

for the creation of a Federal industrial commission having all powers necessary to deal with the economic problems that underlie unemployment in any and all fields of industry, agriculture, and commerce; to the Committee on the Judiciary.

8300. By Mr. CULLEN: Petition of the board of directors of the Maritime Association of the Port of New York, urging the Secretary of War to give due consideration to the requirements of our shipping using the Panama Canal, and urging that early action be taken to increase the hours of operation; to the Committee on Interstate and Foreign Commerce.

8301. Also, petition of Sons of the Revolution in the State of New York, urging a suitable appropriation to acquire land in the town of New Windsor, Orange County, N. Y., to erect a perpetual memorial to George Washington; to the Committee on Military Affairs.

8302. Also, petition of Military Order of the World War, favoring legislation which will bring about an adequate increased pay and allowances for our Army, Navy, Marine Corps, and allied services; and also favoring a program of universal draft in time of national emergency, which will include both industry and manpower; to the Committee on Military Affairs.

8303. Also, petition of Military Order of the World War, advocating an adequate national defense policy by the Federal Government, with sufficient appropriations for the placing and maintenance of the Navy on the basis of the London naval treaty, an adequate Regular Army, National Guard, Organized Reserves, Reserve Officers' Training Corps, and citizens' military training camps; to the Committee on Military Affairs.

8304. Also, petition of Military Order of the World War, urging the Congress of the United States to enact such laws as will prevent the spread of propaganda by communists and the abuse of free speech by treasonable utterances, and also urging that all authorities in charge of educational activities in the United States be urged to require of all teachers that they swear allegiance to the United States and its Constitution by an oath in writing; to the Committee on the Judiciary.

8305. Also, petition of Board of Commissioners of Pilots of the State of New York, seeking an early appropriation by Congress of the necessary funds to permit of the acquirement by construction or otherwise of additional vessels of a suitable type to enable the captain of the port to meet the demands for a more efficient patrol and supervision over the waters of the harbor, together with the addition of the personnel necessary to operate the same; to the Committee on the Merchant Marine and Fisheries.

8306. Also, petition of New York State Conservation Association, urging favorable consideration of items in the appropriation bill for the United States Department of Agriculture for 1931-32 that provide for the work of the northeastern forest experiment station, and also urges most strongly that Congress provide necessary increase in Federal appropriation for the suppression of the gypsy moth; to the Committee on Appropriations.

8307. By Mr. GARBER of Oklahoma: Petition of Western States Aeronautics Association, suggesting creation of Federal-State airway system; to the Committee on Interstate and Foreign Commerce.

8308. Also, petition of Bernard Gill Post, No. 16, of the American Legion, State of Oklahoma, indorsing immediate reissuing of World War adjusted-service certificates in negotiable bonds; to the Committee on Ways and Means.

8309. Also, petition of the Oklahoma State Association of Master Plumbers, indorsing the Capper-Kelly fair trade bill; to the Committee on Interstate and Foreign Commerce.

8310. Also, petition of Fred W. Bacher, indorsing legislation to put Muscle Shoals into immediate operation; to the Committee on Military Affairs.

8311. By Mr. HESS: Petition of various residents of Cincinnati, Ohio, requesting the early passage of House bill 7884, as reported by the Committee on the District of Columbia; to the Committee on the District of Columbia.

8312. By Mr. O'CONNOR of New York: Resolution of the New York State Waterways Association, in opposition to transfer of all or any part of the State canal system of New York under the terms and conditions set forth in the rivers and harbors act of 1930, and urging its repeal, and also opposing all negotiations therefor until it has been repealed; to the Committee on Rivers and Harbors.

8313. Also, resolutions of the board of directors of the Maritime Association of New York, urging 24-hour operation of the Panama Canal; to the Committee on Interstate and Foreign Commerce.

8314. By Mr. ROMJUE: Petition of merchants of Edina, Mo., urging the passage of the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

8315. By Mr. SANDLIN: Petition of veterans of the World War of Mansfield, Cedar Grove, Arcadia, and Minden, La., concerning proposed legislation to pay adjusted-compensation certificates in cash; to the Committee on Ways and Means.

8316. Also, petition signed by veterans of the World War of Logansport, Plain Dealing, Spring Hill, and Oil City, La., concerning proposed legislation to pay adjusted-compensation certificates in cash; to the Committee on Ways and Means.

8317. By Mr. SMITH of West Virginia: Resolution of officers and members of Pocahontas County Post, No. 50, American Legion, of Marlinton, W. Va., favoring the enactment of legislation providing for payment of soldiers' adjusted certificates in cash; to the Committee on Ways and Means.

8318. By Mr. TEMPLE: Petition of American Legion Post, No. 165, Bentleyville, Pa., urging the passage of legislation providing for the payment of the adjusted-compensation certificates; to the Committee on Ways and Means.

SENATE

FRIDAY, DECEMBER 19, 1930

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

Almighty God, who through Thy blessed Son hast taught us when we pray to say "Our Father," as we enter Thy very audience chamber, where we take refuge from the worthlessness of the world and the baseness of our own hearts; comfort us, though the air of the world be tremulous with anguish, with the assurance that prayer is helplessness casting itself on power, it is misery seeking peace, it is hatred desiring love. Satisfy us, as we feel the insufficiency of our mortal life, with the knowledge that prayer is corruption panting for immortality, it is the eagle soaring heavenward, it is the dove returning home. Empower us, though sin entrails and buffeting cares oppress, with the confidence that prayer is the prisoner pleading for release, it is the mariner steering for the haven amid the dangerous storm, it is the soul escaping to the empyrean, bathing its ruffled plumage in the ethereal and the divine.

Hear us for the sake of Him in whom mercy and truth have met together, righteousness and peace have kissed each other, Jesus Christ, Thy Son, our Lord. Amen.

THE JOURNAL

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FESS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

SENATOR FROM NEW HAMPSHIRE

The VICE PRESIDENT laid before the Senate the credentials of HENRY W. KEYES, chosen a Senator from the State of New Hampshire for the term commencing March 4, 1931, which were read and ordered to be filed, as follows:

STATE OF NEW HAMPSHIRE, EXECUTIVE DEPARTMENT.

To the PRESIDENT OF THE SENATE OF THE UNITED STATES:

This is to certify that on the 4th day of November, 1930, HENRY W. KEYES was duly chosen by the qualified electors of the State of New Hampshire a Senator from said State to represent said

State in the Senate of the United States for the term of six years, beginning on the 4th day of March, 1931.

Witness: His excellency our governor, Charles W. Tobey, and our seal hereto affixed at Concord, this 15th day of December, A. D. 1930.

CHAS. W. TOBEY, Governor.

By the governor, with advice of the council.

[SEAL.] ENOCH D. FULLER,
Secretary of State.

AMOUNT OF MONEY IN CIRCULATION (S. DOC. NO. 233)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, in response to Senate Resolution 367, requesting information showing the amount of money in circulation in the United States for the years 1919, 1920, and including each succeeding year up to 1930, which, with the accompanying papers, was ordered to lie on the table and to be printed.

TRIBUTE TO THE LATE SENATOR OVERMAN

MR. TYDINGS. Mr. President, I ask unanimous consent to have printed in the RECORD a tribute by Mrs. George F. Richards to former Senator OVERMAN, which appeared in the Worcester Gazette of December 15, 1930.

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

The tribute is as follows:

For many a year I have sat in the press gallery, and during that time have witnessed scenes of sorrow and even tragedy, but never have I seen such genuine and widespread evidence of affection and emotion as shown when the announcement of the death of Senator OVERMAN, of North Carolina, was made. His friend and colleague of 25 years' standing, Senator SIMMONS, of North Carolina, rose and told of his death; then began to read a resolution of regret. As he went on his voice grew weaker, a long pause followed, then with tears streaming from his eyes, Mr. SIMMONS was heard to murmur, "I can not finish it" and a page quickly stepped to his side, took the resolution to the desk, where it was read by the clerk of the Senate.

Was Senator SIMMONS the only man present whose eyes were moist or whose tears overflowed? He was not. Many a Senator classed by the public as "hard boiled" made no attempt to conceal his grief; many a Senator whose political crust is hard as steel was seen with tears coursing down his cheeks. For Senator OVERMAN was beloved by them all, regardless of political affiliation.

You see Mr. OVERMAN was a "gentleman of the old school." He never appeared on the floor of the Senate except in a black frock coat; he never failed in kindly, friendly courtesy, no matter under what provocation. His service in Congress for nearly 30 years had been ever marked with bright gold stars of integrity and good faith. His friendliness, courtesy, and never-failing kindness were inbred. And that every Senator loved him was shown plainly by their tense silence, bowed heads, and welling tears, when the announcement of his death was read.

PETITIONS AND MEMORIALS

The VICE PRESIDENT laid before the Senate a resolution adopted by Rogers Chapter No. 4, Disabled American Veterans of the World War, Washington, D. C., favoring the prompt payment in full of adjusted-service certificates of ex-service men, which was referred to the Committee on Finance.

He also laid before the Senate resolutions adopted by the Pender (Nebr.) Chamber of Commerce, favoring the passage of special legislation for the relief of distressed Indians on the Omaha and Winnebago Reservations, Nebr., which were referred to the Committee on Indian Affairs.

He also laid before the Senate resolutions adopted by the Mahoning County (Ohio) Chapter, Reserve Officers' Association of the United States of America, favoring the passage of legislation outlawing the Communist Party in America, immediately expelling all alien members of the Communist Party or any alien communists, and providing that no products or goods made in or imported from Soviet Russia be allowed to enter the United States, which were referred to the Committee on Immigration.

Mr. JONES presented a resolution adopted under the auspices of the Chelan County Woman's Temperance Union, of Wenatchee, Wash., praying for the passage of legislation providing for the Federal supervision of motion-picture films in interstate and foreign commerce, which was referred to the Committee on Interstate Commerce.

Mr. REED presented the petition of members of various departments of the social sciences in the University of Pittsburgh, Pa., praying for the ratification of the World

Court protocols, which was referred to the Committee on Foreign Relations.

MR. BROOKHART presented a petition of sundry citizens of Pleasantville, Iowa, praying for the prompt payment in cash of the adjusted-service certificates of ex-service men, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens and members of the Victory Lutheran Church, of Minneapolis, Minn., praying for the passage of the so-called Brookhart booking bill, relative to motion-picture films, which was referred to the Committee on Interstate Commerce.

MR. WATERMAN presented a petition of sundry citizens of Durango and vicinity, in the State of Colorado, praying for the prompt passage of legislation restricting all immigration of whatever character for a period of not less than two years, which was referred to the Committee on Immigration.

He also presented a petition of sundry citizens of Durango and vicinity, in the State of Colorado, praying for the adoption of an amendment to the Constitution excluding aliens from the count of the whole number of persons in each State in apportioning Representatives among the several States according to their respective numbers, which was referred to the Committee on the Judiciary.

MR. COPELAND presented a communication from the Board of Trade of Warwick, N. Y., which was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

WARWICK, N. Y., December 16, 1930.

Hon. ROYAL S. COPELAND,
United States Senator, Washington, D. C.

DEAR SENATOR: The following resolution was adopted by the Warwick Board of Trade unanimously, representing the interests of this community. This resolution is submitted to you for such consideration you may deem proper:

"Be it hereby resolved, That the Warwick Board of Trade go on record as favoring the passing of laws regulating the operation of revenue trucks and busses over the highways of this country; be it further

"Resolved, That a copy of this resolution be mailed to United States Senator ROYAL S. COPELAND and Congressman HAMILTON FISH, State Senator Thomas Desmond, and Assemblymen Rainey S. Taylor and William Lamont."

Yours most respectfully,

WARWICK BOARD OF TRADE,
FRED S. WORK, Secretary.

MR. COPELAND also presented a letter from the city clerk of Niagara Falls, N. Y., which, with the accompanying paper, was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

NIAGARA FALLS, December 16, 1930.

Hon. ROYAL S. COPELAND,
United States Senator from the State of New York,
Senate Chamber, Washington, D. C.

DEAR SIR: At a meeting of the city council held December 15, 1930, the council adopted a resolution in favor of the construction of remedial works in the Niagara River for the purpose of improving the scenic grandeur of Niagara by insuring at all seasons unbroken crest lines on both the American and Canadian Falls, and, pursuant to said resolution, I am inclosing herewith a certified copy of the same.

The mayor stated, on the adoption of this resolution, that if the work was approved by the Federal Government it would furnish work to relieve the unemployment situation in this city.

Yours respectively,

GEO. J. RICKERT, City Clerk.

I hereby certify that the following resolution was adopted at a meeting of the council held December 15, 1930:

"Resolution

"Whereas the convention or treaty between the United States and Great Britain for the preservation and improvement of Niagara Falls and rapids, signed at Ottawa on January 2, 1929, and a protocol on the same day, which convention and protocol have been approved on the part of the Dominion of Canada, was transmitted to the Senate of the United States on or about January 21, 1929, for its action; and

"Whereas such treaty provides for the construction of remedial works in the Niagara River, for the purpose of improving the scenic grandeur of Niagara by insuring at all seasons unbroken crest lines on both the American and Canadian falls; and

"Whereas the Hydroelectric Power Commission of Ontario and the Niagara Falls Power Co. have offered to construct such remedial works under a plan permitting a temporary diversion during the winter season of additional water for power development to be used in power plants of said commission and company, respectively, which are not now in operation; and

"Whereas said convention and protocol are still pending before the Senate of the United States and are in the hands of the Foreign Relations Committee of said Senate:

"Resolved, That the City Council of the City of Niagara Falls respectfully requests said Foreign Relations Committee of the United States Senate to act favorably upon said convention and protocol at the earliest possible date, to the end that said work of improving the scenic grandeur of Niagara may be undertaken at an early date, not only because of the aesthetic benefits to be derived from such improvement, but also because the undertaking of such work would furnish useful employment for a large number of unemployed people at and near Niagara Falls, N. Y., and Niagara Falls, Ontario, and its consummation will afford an additional supply of electric energy at low rates for use during a portion of the year upon the business revival which this council expects will come in the near future.

"Resolved, That the City Council of the City of Niagara Falls, all of whose members are familiar with conditions at Niagara Falls, approves of said convention and protocol and adopts this resolution upon its own initiative, because of the great and many benefits which will be derived from the approval thereof and action in pursuance thereto.

"Resolved, That a certified copy of this resolution be transmitted to the Committee on Foreign Relations of the United States Senate, to the Hon. ROYAL S. COPELAND and the Hon. ROBERT F. WAGNER, Senators from the State of New York, and to the Hon. S. WALLACE DEMPSEY, Representative in Congress from this congressional district, with the request that such Senators and Representatives use all proper means to progress the approval of said convention and protocol."

Witness my hand and seal this 16th day of December, 1930.

[SEAL.] *GEO. J. RICKERT, City Clerk.*

Mr. COPELAND also presented a communication from the president of the United Brotherhood of Carpenters and Joiners of America, Niagara Falls, N. Y., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

UNITED BROTHERHOOD OF
CARPENTERS AND JOINERS OF AMERICA,
Niagara Falls, N. Y., December 17, 1930.

Hon. ROYAL S. COPELAND,
United States Senator.

HONORABLE SIR: At a meeting of the above local (500 members) I was instructed to forward the following resolutions:

"Resolved, That the Carpenters' Local Union, No. 322, of Niagara Falls, N. Y., strenuously protests against the importation of any goods that may be manufactured wholly or in part by convict labor; and be it further

"Resolved, That the officers of Carpenters' Local Union, No. 322, of Niagara Falls, N. Y., are hereby instructed to mail a copy of this protest to the United States Senators and Congressmen of New York, urging them to prevail upon the Department of the Treasury to enforce section 307 of the tariff act of 1930. A copy of this resolution also shall be forwarded to the Treasurer of the United States at Washington, D. C.

N. DECKAR, President.
W. M. H. WOODALL,
Recording Secretary.

Mr. COPELAND also presented a communication from the secretary of the Maritime Association of the Port of New York, N. Y., which was referred to the Committee on Inter-oceanic Canals and ordered to be printed in the RECORD, as follows:

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,
New York, December 13, 1930.

Hon. ROYAL S. COPELAND,
United States Senator, Washington, D. C.

DEAR SIR: I have the honor to transmit herewith resolutions unanimously adopted by the board of directors of the Maritime Association of the Port of New York at a regular monthly meeting held December 10, 1930, upon recommendation of the committee on steamship affairs:

"Whereas the annual report of Col. Harry Burgess, Governor of the Canal Zone, recently submitted to the Secretary of War, covers the operations of the Panama Canal for the fiscal year ending June 30, 1930; and

"Whereas the revenue from the canal for the past year, as shown in the report above referred to, is, with the exception of the year 1928, the largest in its history; and

"Whereas for several years past the canal has been operated on a 12-hour basis only; and

"Whereas as a result of this 12-hour suspension of traffic each day vessels arriving at the canal are frequently compelled to wait for the same to open, thereby greatly delaying their transit through the canal, with consequent monetary loss to shipowners and operators: Therefore be it

"Resolved, That the board of directors of the Maritime Association of the Port of New York respectfully petitions the Secretary of War to give due consideration to the requirements of our shipping using the canal, and urges that early action be taken to increase the hours of operation; that if it is not found to be practicable to return to the 24-hour basis formerly in effect, such extension of the hours of operation be granted as may be consistent with the engineering and maintenance problems of the canal, and as will serve to reduce to a minimum the delays and losses suffered

by shipping as a result of curtailed operation of the waterway; and be it further

"Resolved, That copies of these resolutions be transmitted to the President of the United States, to the Secretary of War, and to the Members of Congress from the State of New York."

Very respectfully yours,

F. D. DENTON, Secretary.

RELIEF SITUATION IN INDIANA

Mr. WATSON. I present three telegrams for printing in the RECORD and reference to the Appropriations Committee.

There being no objection, the telegrams were referred to the Committee on Appropriations and ordered to be printed in the RECORD, as follows:

INDIANAPOLIS, IND., December 16, 1930.

Senator JAMES E. WATSON,

Senate Office Building, Washington, D. C.:

The unemployment situation in Indianapolis is well in hand through the cooperation of the community fund and other local agencies. We believe the President's recommendation for relief to be adequate.

W. H. INSLEY,

President Indianapolis Community Fund.

INDIANAPOLIS, IND., December 16, 1930.

Hon. JAMES E. WATSON,

Senate Office Building, Washington, D. C.:

Our best judgment is situation here now not as bad as in some previous periods of business reaction. Our plans to meet the situation this winter well in hand. Our employment stabilization commission, after functioning one year, has collaborated with employers in obtaining their best efforts to provide maximum employment and has urged permanent methods of relieving unemployment. The commission has also set in operation a program of emergency work, using regular charity funds in payment for work in public departments and on public projects that otherwise would not be carried out for lack of funds. Approximately 500 given three days' work this week in that manner and plans being expanded as rapidly as details can be arranged. City also cooperating with new projects requiring workmen, 100 having been employed this week. Our whole program of employment stabilization is of a constructive nature and, as a matter of fact, Indianapolis is one of a few cities handling the problem in this manner that have received favorable national comment and investigation. Community recently raised \$890,000 for charity organizations. Charity work coordinated and we feel Indianapolis will fully meet needs of the situation this winter.

PAUL Q. RICHEY,
President Indianapolis Chamber of Commerce.

INDIANAPOLIS, IND., December 17, 1930.

Senator JAMES E. WATSON,

United States Senate:

The American Red Cross is well prepared for any duty that may arise in providing relief for sufferers from the drought in Indiana. A survey has been made; local committees have been appointed in each of the drought-stricken counties; and representatives of national headquarters are in readiness to direct relief work. There has not yet developed any need that they are not prepared to care for. The unemployment in cities and towns is rather serious, but not as bad as it has been at times in the past. There is more organized preparation than I have ever known before, and there has been more generosity than ever before. Plans for relief employment provide for increasing expenditure through winter months, and those in charge believe that they are better prepared to cope with situation than in distress periods of previous years.

WILLIAM FORTUNE.

RELIEF SITUATION IN NEW JERSEY

Mr. KEAN. I ask unanimous consent to have printed in the RECORD a telegram from John J. Roegner, mayor of the city of Passaic, N. J., showing that they have the unemployment situation well in hand, and also a telegram from Mr. John F. Murray, Jr., of Newark, N. J., showing the same condition.

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

PASSAIC, N. J., December 19, 1930.

Hon. HAMILTON F. KEAN,

United States Senate:

Telegram received concerning unemployment. Estimated number out of employment in city of Passaic 2,500. Mayor's community relief committee, Red Cross, poor department, schools, and other agencies have situation well in hand. Employment on the upgrade; distress and suffering at a minimum. City of Passaic maintains a municipal employment bureau, doing commendable work. I personally feel Passaic is in the front lines, doing more than its share to relieve unemployment, distress, and suffering caused by industrial and commercial depression. Senator, for your information, Passaic gets a black eye from the fact that the Passaic industrial center, as designated by the American Federation of Labor, includes in Bergen County, Garfield, Wallington, and Lodi, and Clifton in Passaic County. We are proud to know

that Passaic is in an excellent position. For its population of 63,108, the percentage of unemployment is negligible. A mayor's community relief committee is at present taking up a school census on unemployment and will later have this turned over to the police to verify accuracy of same.

Thanking you for calling this to our attention and wishing you the compliments of the season.

JOHN J. ROEGLER, Mayor.

NEWARK, N. J., December 19, 1930.

Hon. HAMILTON F. KEAN:

Your wire 18th. Newark handling unemployment relief capably. We find by house-to-house canvass about 9,000 out of work. Families being aided through poor and alms number some 4,700. They are getting ample aid and not suffering. City employing 3,000 on public work who went to work only last week. Unemployment due substantially to reduced production in industry and lessening of business in many lines of merchandising.

JOHN F. MURRAY, Jr.

REPORTS OF COMMITTEES

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 13130) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Bogue Chitto River between Sun and Bush, St. Tammany Parish, La., reported it without amendment and submitted a report (No. 1207) thereon.

He also, from the same committee, to which was referred the bill (S. 4803) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Atchafalaya River at or near Morgan City, La., reported it with amendments and submitted a report (No. 1208) thereon.

Mr. HAYDEN, from the Committee on Post Offices and Post Roads, to which was referred the bill (S. 5314) to amend the Federal highway act, reported it without amendment and submitted a report (No. 1209) thereon.

Mr. CAPPER, from the Committee on the District of Columbia, to which was referred the bill (H. R. 12571) to provide for the transportation of school children in the District of Columbia at a reduced fare, reported it with an amendment and submitted a report (No. 1210) thereon.

EXECUTIVE REPORTS

As in executive session,

Mr. BORAH, from the Committee on Foreign Relations, reported favorable Executive C, being a treaty with Norway, exempting from military service or other act of allegiance certain nationals.

He also, from the same committee, reported favorably the following nominations:

George D. Andrews, Jr., of Tennessee, now a Foreign Service officer, unclassified, and vice consul of career, to be also a secretary in the Diplomatic Service; and

Henry H. Balch, of Alabama, now a Foreign Service officer of class 4 and a consul, to be a counsel general.

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

Mr. PHIPPS, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations.

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

ENROLLED BILL PRESENTED

Mr. GILLETT, from the Committee on Enrolled Bills, reported that on December 18, 1930, that committee presented to the President of the United States the enrolled bill (S. 2895) authorizing the bands or tribes of Indians known and designated as the Middle Oregon or Warm Springs Tribe of Indians of Oregon, or either of them, to submit their claims to the Court of Claims.

DEFICIENCY APPROPRIATION

Mr. JONES. From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 444) making an appropriation to supply a deficiency in the appropriations for the fiscal year 1931 for expenses of special and select committees of the House of Representatives. It deals with the expenses of the House, as its title indicates. I ask unanimous consent for its immediate consideration.

There being no objection, the joint resolution was considered, ordered to a third reading, read the third time, and passed, as follows:

Resolved, etc. That the sum of \$45,000 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year 1931 for expenses of special and select committees authorized by the House of Representatives.

AGRICULTURAL MARKETING ACT

Mr. JONES. From the Committee on Appropriations I report back favorably without amendment the bill (H. R. 15359) making an additional appropriation to carry out the provisions of the agricultural marketing act, approved June 15, 1929.

This is a bill, as the title indicates, making an additional appropriation to carry out the provisions of the national marketing act of June 15, 1929. It provides for an additional \$150,000,000 for the Federal Farm Board. I would like to ask unanimous consent for the immediate consideration.

The VICE PRESIDENT. Is there objection?

Mr. BORAH. I object to the unanimous-consent request.

The VICE PRESIDENT. Objection is made, and the bill will go to the calendar.

RELIEF OF FARMERS IN DROUGHT AND STORM AREAS—CONFERENCE REPORT (S. DOC. NO. 232)

Mr. McNARY submitted the following report, which was ordered to lie on the table and to be printed:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 211) for the relief of farmers in the drought and/or storm stricken areas of the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendments:

On page 1, line 9, of said amendment strike out the word "of" and insert the words "incident to."

On page 2, line 11, of said amendment strike out the numerals "\$30,000,000" and insert in lieu thereof "\$45,000,000."

And the House agree to the same.

CHAS. L. McNARY,
GEO. W. NORRIS,
E. D. SMITH,

Managers on the part of the Senate.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,

Managers on the part of the House.

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. ROBINSON of Arkansas:

A bill (S. 5441) to assist in the organization of agricultural-credit corporations; to the Committee on Agriculture and Forestry.

A bill (S. 5442) for the relief of Isaac Pierce (with an accompanying paper); and

A bill (S. 5443) to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Ark.; to the Committee on Military Affairs.

A bill (S. 5444) granting a pension to Sarah Catherine Campbell (with accompanying papers); and

A bill (S. 5445) granting an increase of pension to Margaret A. Looney (with accompanying papers); to the Committee on Pensions.

By Mr. McNARY:

A bill (S. 5446) for the relief of Marinus M. Londahl; to the Committee on Military Affairs.

By Mr. BROOKHART:

(By request.) A bill (S. 5447) to amend the national defense act, approved June 3, 1916, as amended, in respect to

compulsory military training; to the Committee on Military Affairs.

A bill (S. 5448) granting an increase of pension to Anna Kath (with accompanying papers); to the Committee on Pensions.

By Mr. GILLETT:

A bill (S. 5449) placing Cadet Adrian Van Leeuwen on the retired list of the Army; to the Committee on Military Affairs.

By Mr. WALSH of Montana:

A bill (S. 5450) granting an increase of pension to Isabelle Culbertson (with an accompanying paper); to the Committee on Pensions.

By Mr. ROBINSON of Indiana:

A bill (S. 5451) granting an increase of pension to Ann Lee (with accompanying papers); to the Committee on Pensions.

By Mr. BULKLEY:

A bill (S. 5452) granting an increase of pension to Lester L. Karns (with accompanying papers); and

A bill (S. 5453) granting a pension to Lucy C. West (with accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 5454) granting a pension to Susan T. Clark (with accompanying papers); to the Committee on Pensions.

By Mr. DALE:

A bill (S. 5455) to authorize an additional appropriation of \$7,500 for the completion of the acquisition of land in the vicinity of and for use as a target range in connection with Fort Ethan Allen, Vt.; to the Committee on Military Affairs.

By Mr. BROUSSARD:

A bill (S. 5456) to extend the time for construction of a free highway bridge across the Sabine River where Louisiana Highway No. 21 meets Texas Highway No. 45;

A bill (S. 5457) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 6 meets Texas Highway No. 21; and

A bill (S. 5458) authorizing the State of Louisiana and the State of Texas to construct, maintain, and operate a free highway bridge across the Sabine River where Louisiana Highway No. 7 meets Texas Highway No. 7; to the Committee on Commerce.

By Mr. COPELAND:

A bill (S. 5459) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

A bill (S. 5460) for the relief of Lieut. Philip Egner;

A bill (S. 5461) to authorize appropriations for construction at Madison Barracks, N. Y.;

A bill (S. 5462) for the purchase of land as an artillery range at Fort Ontario, N. Y.;

A bill (S. 5463) to authorize appropriations for construction at Fort Ontario, N. Y.; and

A bill (S. 5464) authorizing the Secretary of War to reconvey to the State of New York a portion of the land comprising the Fort Ontario Military Reservation, N. Y.; to the Committee on Military Affairs.

By Mr. CAPPER:

A bill (S. 5465) to amend section 586c of the act entitled "An act to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia relating to degree-conferring institutions, approved March 2, 1929; to the Committee on the District of Columbia.

By Mr. KING:

A bill (S. 5466) making an appropriation for fuel-research work by the Bureau of Mines at Salt Lake City, Utah; to the Committee on Appropriations.

By Mr. GEORGE:

A bill (S. 5467) to amend an act for the relief of Augusta Cornog, approved May 29, 1928; to the Committee on Claims.

By Mr. BRATTON:

A bill (S. 5468) granting an increase of pension to Candalaria S. de Chavez; to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 5469) for the relief of R. Y. S. Hunnicutt; and A bill (S. 5470) for the relief of the widow of John Curtis Staton; to the Committee on Claims.

By Mr. SHORTRIDGE:

A bill (S. 5471) for the relief of Clifton H. Cantelou; to the Committee on Naval Affairs.

A bill (S. 5472) granting a pension to John Parent; to the Committee on Pensions.

By Mr. HOWELL:

A bill (S. 5473) to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Brownsville, Nebr.; to the Committee on Commerce.

By Mr. WAGNER:

A bill (S. 5474) for the relief of Thomas G. Carlin; to the Committee on Military Affairs.

By Mr. TRAMMELL:

A joint resolution (S. J. Res. 224) authorizing the Postmaster General to make a just and equitable compensation for the past use in the Postal Service of a certain invention and device for the postmarking of mail packages and for the more permanent cancellation of postage stamps during the time the said device was in use by the Post Office Department, not exceeding or going beyond the life of the letters patent thereon; to the Committee on Post Offices and Post Roads.

CHANGE OF REFERENCE

On motion of Mr. ROBINSON of Indiana, the Committee on Finance was discharged from the further consideration of the bill (S. 5230) for the relief of Myron M. Andrews, and it was referred to the Committee on Military Affairs.

TRANSFER OF OIL LANDS

Mr. WALSH of Montana. Mr. President, I send to the desk a resolution and ask that it be read.

The VICE PRESIDENT. Let it be read for the information of the Senate.

The Chief Clerk read the resolution (S. Res. 379), as follows:

Whereas it has been recently charged in the public press upon the authority of a former employee of the Government of reputed good character, long in the service of and charged with the duty of inquiring into the circumstances attending the disposition of the public lands, that considerable areas of such, valuable potentially and otherwise because of the oil shales in which they abound, have been improvidently, erroneously, and unlawfully, if not corruptly, transferred to individuals and private corporations, to the great loss of the public:

Resolved, That the Committee on Public Lands and Surveys or any subcommittee thereof, be, and hereby is, authorized and directed to inquire into the charges so made and into the alienation of oil shale lands of the United States, so far as they have been alienated and to the practices, rulings, and action of the Department of the Interior in relation to the preservation or disposition of such lands, or of applications for patent to the same, and to make such recommendations as to it may seem appropriate touching needed legislation or other governmental action for the recovery of any such lands as may have been wrongfully alienated or for a review of any final award by the Secretary of the Interior of any such lands.

The said committee or subcommittee is hereby authorized to sit, act, and perform its duties at such times and places as it seems necessary or proper; to require by subpoena or otherwise the attendance of witnesses; to require the production of books, papers, documents, and other evidence; and to employ counsel, experts, and other assistants. The cost of stenographic service to report such hearings shall not exceed 25 cents per 100 words. The chairman of the committee or subcommittee, or any member thereof, may sign subpoenas and administer oaths to witnesses; and every person duly summoned before said committee or subcommittee, who refuses or fails to obey the process of said committee or subcommittee, or appears and refuses to answer questions pertinent to the investigation shall be punished as prescribed by law.

The cost of said investigation shall be paid from the contingent fund of the Senate on vouchers of the committee or subcommittee, signed by the chairman and approved by the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. WALSH of Montana. Mr. President, I venture no opinion whatever concerning the verity of the charges thus made and referred to in the resolution. I have gone into the matter sufficiently to satisfy myself that at least a preliminary inquiry ought to be prosecuted with a view to

determining whether an exhaustive examination of the facts and circumstances should be prosecuted. I shall ask that the resolution be referred to the Committee on Public Lands and Surveys, which can, at little or no expense, prosecute the necessary preliminary inquiry and make recommendations to the Senate as to the course that ought to be pursued with reference to the same.

THE VICE PRESIDENT. Without objection, the resolution will be referred to the Committee on Public Lands and Surveys.

INVESTIGATION BY TARIFF COMMISSION—COCO AND CHOCOLATE

Mr. GILLETT submitted the following resolution (S. Res. 380), which was considered by unanimous consent and agreed to:

Resolved, That the United States Tariff Commission is directed, under the authority conferred by section 336 of the tariff act of 1930, and for the purposes of that section, to investigate the differences in the costs of production of the following domestic articles or products and of any like or similar foreign articles or products: Coco and chocolate, sweetened and unsweetened, in bars or blocks weighing 10 pounds or more each. (Par. 777.)

SENATORIAL EXPENSES IN 1930 CAMPAIGN

Mr. NYE submitted the following resolution (S. Res. 381), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That Senate Resolution No. 215, agreed to April 10, 1930, authorizing and directing a special committee of the Senate to investigate the campaign expenditures of and contributions to the various candidates for the United States Senate in the campaign terminating in the general election in November, 1930, hereby is extended in full force and effect until the end of the first session of the Seventy-second Congress; and said committee hereby is authorized to expend out of the contingent fund of the Senate \$50,000 in addition to the amount heretofore authorized for the above-mentioned purposes.

EXECUTIVE MESSAGES

Messages in writing from the President of the United States were communicated to the Senate by Mr. Latta, one of his secretaries.

RESOLUTIONS PASSED OVER

THE VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be stated.

THE CHIEF CLERK. A resolution (S. Res. 363) favoring relief of human suffering prior to consideration of interests of wealthy income-tax payers.

MR. MOSES. Mr. President, the Senator from Wisconsin [Mr. LA FOLLETTE], who introduced the resolution, is not present. I ask that it may go over.

THE VICE PRESIDENT. The resolution will be passed over. The Chair lays before the Senate another resolution coming over from a previous day, which will be stated.

THE CHIEF CLERK. A resolution (S. Res. 370) requesting certified copies of minutes of certain meetings of the Tariff Commission, and that they be printed as a Senate document.

MR. SMOOT. Let that go over.

THE VICE PRESIDENT. The resolution will go over.

INVESTIGATION BY TARIFF COMMISSION

THE VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from a preceding day, which will be stated.

THE CHIEF CLERK. The resolution (S. Res. 371) submitted by Mr. COPELAND on the 15th instant, as follows:

Whereas the United States Tariff Commission was directed by Senate Resolution 325, under the authority conferred by section 336 of the tariff act of 1930, and for the purposes of that section, to investigate the differences in the costs of production of cigarette books, cigarette-book covers, and cigarette paper in all forms, and of any like or similar foreign articles: Therefore be it

Resolved, That such direction as to cigarette books, cigarette-book covers, and cigarette paper in all forms be hereby rescinded.

THE VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

THE VICE PRESIDENT. Morning business is closed.

AMENDMENT TO AGRICULTURAL MARKETING ACT

MR. BLACK. Mr. President, I attempted to get the floor under the proper order to send to the desk a short amend-

ment to House bill 15359, providing an additional appropriation of \$150,000,000 for the Farm Board. The amendment is very short. I desire to send it to the desk and have it read for the information of the Senate. It is an amendment which I intend to propose when the bill to which it relates comes before the Senate.

THE VICE PRESIDENT. The amendment intended to be proposed by the Senator from Alabama will be read.

The Chief Clerk read as follows:

Amendment intended to be proposed by Mr. BLACK to the bill (H. R. 15359) making an additional appropriation to carry out the provisions of the agricultural marketing act, approved June 15, 1929.

Insert at the end of the bill the following:

"No part of the amount hereby appropriated shall be expended and no loan shall be made out of such amount for the purpose of dealing in futures or indulging in marginal transactions or any transaction whereby contracts are made for the purchase of agricultural commodities or food products thereof where no delivery of such commodity or food product is intended; and no cooperative association or stabilization corporation shall make any expenditure for any such purpose from the proceeds of any loan made out of such amount."

THE VICE PRESIDENT. Does the Senator from Alabama desire that the amendment be printed and lie on the table?

MR. BLACK. Yes.

THE VICE PRESIDENT. That order will be made.

CONGRESS AND ITS PROBLEMS

MR. DILL. Mr. President, I ask unanimous consent to have printed in the RECORD a radio address of Edward Keating, editor of Labor, over the National Broadcasting System, concerning Congress and the problems which confront it, being an unusually interesting address.

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

The address is as follows:

Good evening, ladies and gentlemen. I am sure you will agree with me that "pinch hitting" for William Hard is a man's job. My situation is rendered all the more difficult by the fact that I have had little or no experience in this broadcasting game. So if I seem a bit unsteady during the next 15 minutes you will understand.

When I asked Mr. Hard for suggestions as to the line I should take this evening, he replied, "Tell the truth as you see it." There may be those among you who think, even if you do not give voice to your thoughts, that telling the truth is not an easy assignment for a newspaper man. I assure you that is a libel on an ancient and honorable calling. Newspaper men prefer to tell the truth, the whole truth, all the time and about everything.

Only a sincere concern for the peace and happiness of their fellow men induces them to temper their utterances. Truth is a high explosive; worse than T. N. T. In unskilled hands it may wreck homes, destroy reputations, and send nations forth to battle. Therefore, it must occasionally be diluted with charity, forbearance, affection, and a lot of other Christian virtues.

With that thought in mind, let's take a look at what's going on in Washington.

Mr. Hoover has Congress "on his hands" once more. To hear some people talk about Congress, you would imagine the legislative branch of Government had some ailment which was highly contagious or infectious, and should therefore be quarantined for long periods at some remote point.

Others represent our lawmakers as a group of halfwits, demagogues, or near-grifters, who are filled with an unholy desire to turn everything upside down, disturbing business and discouraging and disgusting devoted public servants.

As an old newspaper man who has had exceptionally good opportunities to observe the work of Congress and to become acquainted with its Members, may I suggest that these pictures of our national legislators are entirely out of focus?

Do you know of any legitimate business which has been injured by congressional enactment?

Can you name any honest public official who has suffered because of a congressional investigation?

I think you will find it difficult to answer either of these questions in the affirmative. Personally, I have a very high opinion of our lawmakers' integrity, ability, and devotion to the public service.

Well, if there is nothing wrong with Congress, why all this effort to get it out of Washington as soon as possible and keep it out as long as possible?

The answer is—and please remember I am trying to follow Mr. Hard's instructions and tell you the truth as I see it—the answer is: That certain powerful interests find it impossible to control Congress, which is more responsive to the people's will than either the executive or the judiciary.

For the moment most of the propaganda is directed against the Senate. When I first took an interest in Washington affairs the

Senate was called the "Millionaire's Club" or the "American House of Lords," and it was the citadel of conservatism.

Aldrich, of Rhode Island, Frye, of Maine, and Quay, of Pennsylvania, ran the show and the "predatory interests" got just what they wanted, when they wanted it.

Occasionally the House caused trouble, but not often, because "Czar" Joe Cannon bossed things at that end of the Capitol.

We didn't hear anything about Congress "disturbing business" in those days. With Teddy, the Rough Rider, in the White House the executive, not the legislative, branch of government was "viewed with alarm."

Popular election of Senators has worked the change. No one runs the Senate now. From being one of the most reactionary it has become the most independent and progressive legislative body in the world.

The House is still ruled by a few bosses—LONGWORTH, of Ohio; SNELL, of New York; and TILSON, of Connecticut. Those three captains of the "old guard" are in a position to kill or pass almost any bill. They will not be so powerful when the new Congress meets, because the voters deprived them of about 50 of their faithful followers on November 4. So there is just a chance that the House may change its rules so as to give the ordinary Members a voice in legislation and thus cease to be a "rubber stamp" for the three very amiable but extremely reactionary leaders.

Think what would happen if we had a House, as well as Senate, that didn't take orders from anyone! The mere prospect is so disconcerting that an appeal is being made from the White House and through the press to head off at all hazards an extra session of the new Congress.

The men you elected to the House and Senate on November 4 are not to be permitted to do anything except draw their pay until December, 1931—13 months after they were officially designated as the spokesmen of the people. In the meantime about 75 Senators and Representatives who were repudiated by the voters in November will continue to legislate until their terms expire at high noon on March 4 next.

The excuse for this anomalous arrangement is that a new Congress should have time to "cool off"—to forget what the Members promised the voters before election.

No other nation on earth has such a "cooling-off" period. For example, just across an imaginary line, in the Dominion of Canada, they held a general election last summer. The Liberal government was overthrown and within two weeks the Conservatives were in control.

A few weeks later Parliament was convened in extra session to deal with unemployment. An ambitious program, including a revision of the tariff, almost total suspension of immigration, and large appropriations for public works and direct relief for the needy was put through within two months of election day.

Are the Canadians too fast, or are we too slow?

Senator NORRIS, of Nebraska, says we are too slow, and he has proposed the so-called "lame-duck" amendment to the Constitution. The Senate has approved the amendment on three or four occasions but it has always been pigeonholed by the "old guard" in the House.

If NORRIS has his way, Congress will meet about 60 days after election and will remain in session until the public business has been transacted in an orderly fashion. Among other things, this would do away with the filibusters and legislative jams which have so often marked short, or "lame-duck," sessions of Congress.

NORRIS is insisting that the "old guard" permit the House to vote on his amendment. If this is refused, the progressives in the Senate may block a few of the general appropriation bills and thus force an extra session of the new Congress.

NORRIS is also calling for action on his Muscle Shoals bill, Senator WAGNER's unemployment measures, and a bill limiting the use of injunctions in industrial disputes.

The Muscle Shoals bill, which has already passed the Senate, provides for Government operation of the immense power plant which Uncle Sam has constructed in Alabama at a cost of about \$150,000,000.

At present the power generated at the dam is being sold by the Government to the Alabama Power Co. for 0.2 of a cent per kilowatt-hour and it is being retailed to consumers within sight of the plant for 8 cents per kilowatt-hour, or forty times original cost.

NORRIS's bill gives cities and towns and farmers' cooperative organizations a prior right to buy the power. He insists that the result would be lower light and power rates not only in the vicinity of the shoals but throughout the country.

His idea that Uncle Sam should use the shoals plant as a sort of "yardstick" to determine the fairness, or lack of fairness, of rates charged by private enterprise.

He points with approval to what has been accomplished by the Province of Ontario, in Canada. Ontario has invested \$300,000,000 in an immense power system and is selling electricity to domestic consumers for less than 2 cents a kilowatt-hour.

Compare that with what your local light company is charging you and you will see what NORRIS has in mind.

President Hoover is probably more fixed in his opposition to the shoals bill than to any pending legislation which has the slightest chance of passage. Government ownership in any form is anathema to him.

Should the shoals bill reach his desk in its present form he will probably veto it. Any compromise acceptable to Mr. Hoover would not satisfy Senator NORRIS.

So there we have the makings of another fine fight, and it may become so bitter as to precipitate the much-dreaded extra session. President Hoover's message was read in both Houses on Tuesday.

The Chief Executive was optimistic. He blamed the greater part of our troubles on world conditions, insisted that we were still going at from 80 to 85 per cent capacity, and suggested that the skies would begin to clear in about six months.

He disappointed those who believe that the Federal Government should launch an immense building program, in the hope that the increase in employment would enable industry to get to going again.

The President will ask Congress for a special fund of \$100,000,000 to \$150,000,000 to be used, in his discretion, in almost any form of construction work. He does not promise to spend the money, however.

It is evident that the President feels that the Federal Government is doing its share for the relief of the jobless and should not be urged to go much farther.

So far as the farmers are concerned, the President holds that his Farm Board is functioning satisfactorily. He is willing to loan money to farmers in the drought areas for the purchase of seed and feed for stock, but the beneficiaries must put up satisfactory security—not an easy condition when thousands of agriculturists are trying to make up their minds whether they will stick to the "old home place" or go to the city and add to the difficulties of an already badly congested labor market.

Mr. Hoover flatly refuses to ask Congress to make any contribution for the direct relief of the needy.

The Red Cross, he says, will alleviate suffering in the agricultural areas, and State and municipal authorities and private charities must provide for the "down and outs" in the cities.

May I inject, at this point, that the police of New York have located within the boundaries of that city 42,000 families that need assistance. Probably conditions are just as bad in other cities in proportion to population.

Congressman HUDDLESTON, of Alabama, a veteran of the House, does not agree with the President.

He has presented a resolution asking Congress to appropriate \$50,000,000 for direct relief, under regulations drafted by the President.

Canada is doing just that; and no one in the Dominion seems to be worrying about the possible effect on the moral fiber of the people who are being given food, clothing, and shelter.

On the other side of the international boundary they go on the theory that cold and hunger will do more damage to one's moral fiber than any number of hot meals and warm beds, even if the meals and beds are paid for by a Government agency.

The Treasury is facing a deficit of \$180,000,000, the President says, and the cut in taxes on incomes and corporation profits, which the administration sponsored right after the stock-market crash last year, will not be continued this year.

Those of us who have taxable incomes should not complain. Instead, we should thank God we are not in the condition of thousands of our fellow Americans with wives and children dependent on them, who have no more use for income-tax blanks than Fiji Islanders have for fur overcoats.

As Congress convened, a small group of alleged communists staged a demonstration in front of the Capitol, demanding the wiping out of restrictions on immigration and social equality for negroes.

The police used their clubs rather freely, and a few tear bombs were discharged. It was a fine show for the moving-picture photographers, and the scenes are probably already on exhibition at your favorite theater.

Don't take them too seriously. The "reds" did not number more than 200, and most of them were imported for the occasion. They were unarmed, and a score of efficient policemen could have handled the "mob" with ease.

In the opinion of this humble substitute for one of America's most famous broadcasters, our country is not facing a "red" menace.

Our unemployed are not communists. They are not "demonstrating." They are a bit puzzled to find themselves on the bread line in the midst of plenty. They find it difficult to understand why people should be cold and hungry because they have produced too much of the necessities of life.

But they are not plotting the overthrow of their Government. It would be a mistake, however, to imagine that they will starve meekly.

They hold with Congressman-elect David J. Lewis, of Maryland, that while the world owes no man a living it owes every man a job—a chance to earn a living, for himself and his family.

Those of us who love American institutions and desire to transmit them to posterity unimpaired should bestir ourselves and see that the job is provided. Failing that, every one of the unemployed is entitled to needed food, clothing, and shelter.

Since the foundation of the Government, America has responded generously to appeals for help from foreign lands. We have fed the Germans, the Belgians, the Russians, the Japanese—ignoring the differences in race and creed and color. Shall we do less for our own flesh and blood?

WORLD COURT

Mr. WAGNER. Mr. President, I ask unanimous consent to have printed in the RECORD a statement regarding the attitude of the church people of the United States on the

question of American membership in the permanent court of international justice. The statement was made by the Commission on International Justice and Good Will of the Federal Council of the Churches of Christ in America.

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

NEW YORK, N. Y., December 17, 1930.

Hon. ROBERT F. WAGNER,

Washington, D. C.

DEAR SIR: The inclosed document is being presented to-day to President Hoover by Bishop William F. McDowell, chairman of the Washington committee of the Federal Council of the Churches of Christ in America.

It presents with some fullness recently gathered information regarding the attitude of the church people of the United States on the question of American membership in the Permanent Court of International Justice. The information that comes to us from all sources corroborates and strengthens the judgment that the vast majority of the church people of the United States earnestly desire that the United States shall promptly become a member of the World Court.

Respectfully yours,

CHARLES S. MACFARLAND,
General Secretary Federal Council of the
Churches of Christ in America.

SIDNEY L. GULICK,
Secretary Commission on International
Justice and Goodwill.

A STATEMENT OF THE ATTITUDE OF THE CHURCH PEOPLE OF THE UNITED STATES OF AMERICA ON THE QUESTION OF AMERICAN MEMBERSHIP IN THE PERMANENT COURT OF INTERNATIONAL JUSTICE

The information given below comes from—

I. Moderators and presidents of communions and from chairmen of denominational peace committees of the following communions (arranged in order of size):

Methodist Episcopal Church; Methodist Episcopal Church South; Presbyterian Church in the United States of America; General Assembly; Church of Christ, Disciples; Northern Baptist Convention; Protestant Episcopal Church, National Council; Congregational Churches, National Council; the United Lutheran Church in America; Presbyterian Church in the United States; the Church of the United Brethren in Christ; the Reformed Church in the United States; Evangelical Synod of North America; Methodist Protestant Church; Reformed Church in America, General Synod; Societies of Friends; the Salvation Army; the American Unitarian Association; the Universalist Church, General Convention; the Christian Church; Seventh Day Baptist General Conference; and Reformed Presbyterian Church.

II. The Federal Council of the Churches of Christ in America.

III. Secretaries of State Federations and Councils of Churches (arranged in alphabetical order):

California State Church Federation; Connecticut State Federation; Illinois Council of Churches; Massachusetts Federation of Churches; Michigan Council of Churches; New Hampshire State Council of Churches; New York State Council of Churches; Ohio Council of Churches; Oklahoma State Council of Churches; Pennsylvania Council of Churches; Rhode Island Federation of Women's Church Societies; the Federation Council of the Churches of Christ in South Dakota; and Mid West office of the Federal Council of the Churches of Christ in America.

IV. Secretaries of city federations and councils of churches and of interdenominational associations of ministers (arranged in alphabetical order):

Atchison (Kans.) Ministerial Association; Atlanta (Ga.) Christian Council; Boston (Mass.) Federation of Churches; Brooklyn (N. Y.) Federation of Churches; Cambridge (Mass.) Council of Churches; Chicago (Ill.) Church Federation; Detroit (Mich.) Council of Churches; Hartford (Conn.) Council of Churches; Indianapolis (Ind.) Church Federation; Kansas City (Mo.) Council of Churches; Los Angeles (Calif.) Church Federation; Medford (Mass.) Federation of Women's Church Societies; New York (N. Y.) Federation of Churches; Philadelphia (Pa.) Federation of Churches; Portland (Me.) Church Federation; Portland (Oreg.) Council of Churches; Shenandoah (Iowa) Ministerial Association and Council of Churches; Toledo (Ohio) Council of Churches; Trenton (N. J.) Council of Churches; Washington (D. C.) Federation of Churches; West Roxbury (Mass.) Federated Church Societies; Wilmington (Del.) Council of Churches; Youngstown (Ohio) Federated Churches.

V. The National Committee on the Churches and World Peace.

QUOTATIONS FROM LETTERS AND RESOLUTIONS

I. Communions

The Methodist Episcopal Church:

"In my judgment, the members of the Methodist Episcopal Church are as sincerely interested as ever in the matter of United States membership in the World Court. In a body so large and varied as ours it would be impossible to secure either a full expression or to expect unanimity on an important matter like this. But I am sure that the church as a whole in its devotion to world peace and international good will sincerely favors membership in the World Court at the earliest possible date." (Bishop William F. McDowell.)

The Methodist Episcopal Church South:

"I am quite sure the (Methodist) church in the South is strongly in favor of immediate entrance into the World Court." (Hon. Josephus Daniels.)

The Presbyterian Church in the United States of America, general assembly:

"The official action of the general assembly in the matter of world peace at its recent annual meeting includes the following:

"That the general assembly especially commends and supports President Hoover in his efforts to bring about reduction of armaments, to establish closer relations and understanding between nations, to remove the causes of war, and in his clear and persistent presentation of those principles which make peace possible and practical.

"That it pledges its undivided support to the President of the United States in his determined efforts to secure the ratification of the London naval pact."

"The board of Christian education, as representing the Presbyterian Church, is seeking to carry out the intention of the above resolution by every possible means its national organization affords. It looks forward to the early presentation of the protocol of the World Court to the United States Senate with the assurance that the members of the Presbyterian Church throughout the United States will place behind its ratification their active moral support in every practical way possible." (Rev. William Chalmers Covert.)

The Church of Christ, Disciples:

"As an official charged with matters pertaining to peace for the Disciples of Christ, a people numbering a million and a half, I urge that the World Court protocol be presented to Congress in December. This religious body has gone on record year after year since the proposal first was up in favor of our country joining the World Court, and those of us who are charged with responsibility for representing them feel that we will lose a great opportunity if we do not put the matter before the Senate at this winter's session." (Rev. Alva W. Taylor.)

Northern Baptist convention:

"I write * * * on behalf of the Baptists of the northern Baptist convention, of which I have the honor to be president, our assurance of the eagerness with which we look forward to the time when the World Court protocols shall be submitted again to the Senate, and our further assurance that he can count upon the eager support of the constituency of the northern Baptist convention in pressing for the membership of the United States in the Permanent Court of International Justice.

"A step which is so eminently justified, which has been so long urged by presidents of the United States, which is so valuable for the peace of the world, so heartily in accord with the Christian ideals for which we stand, could not have other than the strongest support that we can give it." (President Albert W. Beaven.)

Protestant Episcopal Church, National Council:

"The Episcopal Church, through all its authoritative bodies, has expressed in no uncertain terms the desire of those who represent it that the United States should be a member of the Permanent Court of International Justice. May I beg you, as the opportunity may come, to convey to President Hoover the assurance that the members of my communion are keenly interested in the submission of the protocols to the Senate, and I assure you that those who represent this body will be behind the President in pressing for our membership in this Permanent Court of International Justice.

"I make this statement not at all in my personal capacity or trusting in my personal judgment. Public statements of the Episcopal Church have been frequently made on this subject, and the church is committed to this action." (Rev. Charles N. Lathrop.)

On November 13, 1930, at the suggestion of the Right Rev. James De Wolf Perry, president of the House of Bishops, the New York and New Jersey province of the Protestant Episcopal Church unanimously adopted a resolution urging the President and Senate of the United States to bring about early entrance of the United States as a member of the World Court, and added that the United States "can not consistently contend it is comprised of peace-loving people, desiring world peace, if it remains outside the fold of the World Court."

Congregational Churches, National Council:

"So far as I am informed every Congregational minister is in hearty accord with the proposal now being made by the President for the ratification by the Senate of the Treaty of Adherence to the Permanent International Court of Justice, and I am quite sure that I am voicing the sentiments of the entire denomination when I express the hope that the United States will become a member of this court without further delay." (Moderator Fred B. Smith.)

"The National Council of Congregational Churches on Monday, June 3, 1929, adopted without a dissenting voice the following resolution:

"Whereas, the National Council of Congregational Churches has more than once expressed its deep conviction that the United States, under proper safeguards, should enter the World Court, therefore be it

"Resolved, That this council respectfully petitions the Senate of the United States to adopt a plan, such as has been negotiated at Geneva under the guidance of the Hon. Elihu Root, so that the United States may become a member of the Permanent Court of International Justice, and be it further

"Resolved, That the general secretary of this council respectfully transmit this resolution to the chairman of the Foreign

Affairs Committee of the Senate, to the President of the United States, and to the Department of State in Washington."

"As chairman of the council's commission on international relations, I give it as my opinion that our congregational ministers and laity are overwhelmingly in favor of the entrance of the United States into the World Court, as stated above in the resolution." (Prof. William Walker Rockwell.)

The United Lutheran Church in America:

"I am persuaded that the conviction of our entire church is that the United States of America should establish membership in the World Court." (President F. H. Knubel.)

Presbyterian Church in the United States:

"The church members of my communion are as keenly interested as ever in the matter of the World Court. You can count on our hearty support in pressing for the membership of the United States in this permanent court of international justice."

"The Presbyterian Church in the United States has, with increasing clearness for the past several years, expressed itself as concerned in the abolition of war and in the settlement of international disputes by peaceful methods." (Rev. D. P. McGahey.)

The Church of the United Brethren in Christ:

"An amicable adjustment of all international differences through a world court will go a long way toward the reign of peace on earth. The United States of America has always been in the foreground in all matters that make for peace and good will. May she not lag behind other nations of the world at this strategic time." (Bishop A. R. Clippinger.)

The Reformed Church in the United States:

"The General Synod of the Reformed Church in the United States, at its last triennial meeting in Indianapolis, passed the following action:

"That we favor membership of the United States in the Permanent Court of International Justice and in the League of Nations, with such reservations, if deemed necessary, as may be mutually acceptable to the United States and the members of the league."

"Therefore, as president of the general synod, I wish to give you the assurance that the Reformed Church in the United States is as keenly interested in this matter as ever, and you can count on its hearty support in having the United States become a member in the Permanent Court of International Justice." (Rev. Charles E. Schaeffer.)

Evangelical Synod of North America:

"On behalf of the members of our communion, I want to express * * * our unalterable conviction that the welfare of the nations and the peace of the world require the adherence of the United States of America to this court. * * * Let me assure you that we, together with the millions of earnest and sincere Christians, are eagerly awaiting such action and anxious to give our hearty support in pressing the membership of our Government in the Permanent Court of International Justice." (Rev. H. P. Vieth.)

Methodist Protestant Church:

"I desire to assure you of the deep interest of the Methodist Protestant Church in the United States accepting membership in the World Court. Our undisputed leadership in many world activities places upon us as a nation the responsibility of cooperation in this court that provides the means whereby international problems can be solved peacefully." (President J. C. Broomfield.)

Reformed Church in America, General Synod:

"Speaking for the Reformed Church in America, I feel that this matter is of very great concern, and that the entire church would deplore the fact if this country did not heartily enter into full membership in this body and, what is just as important, assume its full privileges and responsibilities as a member of that body. It would be a great calamity if any small technical matters or questions of political expediency should defeat this great objective." (President Milton J. Hoffman.)

Friends (Five Years' Meeting):

"It is therefore natural for Friends to welcome the inauguration and successful operation for the past 10 years of the World Court, and to look forward with eager hope to the participation of our country in that great work. We believe that the protocols recently negotiated and signed by authority of the President, formulated (as respects certain important points) in accordance with the suggestions of Elihu Root, safeguard in every respect the rights and interests of the United States and obviate every substantial objection to the entrance of the United States into the court. We believe, therefore, that whenever the way opens for the submission of these protocols to the Senate for its advice and consent, and they are so submitted by the President, they deserve the prompt and favorable consideration of that great deliberative body. We believe that the question of the entrance of the United States into the World Court is second in importance to no other question now before the American people." (Walter C. Woodward.)

Peace section, American Friends service committee:

"In so far as we represent the Society of Friends in America we can say that we and Friends generally approve American membership in the World Court and will welcome vigorous prosecution of this matter by the administration. You can depend upon us for cooperation." (Clarence E. Pickett.)

The Religious Society of Friends of Philadelphia and vicinity:

"The Society of Friends is keenly interested in the World Court and desires the United States to take its place as a full member. We believe, therefore, that there would be hearty support for an effort to complete the membership of the United States in the court on the part of our members, and we would expect to do everything in our power both within and without the Society

of Friends to encourage such support. We feel that it is highly desirable that the ratification be completed as soon as possible." (Wm. B. Harvey.)

The Religious Society of Friends (Hicksite):

"The Religious Society of Friends has always advocated peaceful methods of settling international disputes. Believing that the World Court is one very necessary institution in the settlement of such disputes, the members of the Religious Society of Friends are anxiously awaiting the submission of the protocols to the Senate, and will most certainly support the efforts made to have the United States become a member of the Permanent Court of International Justice." (Anna B. Griscom.)

Western Yearly Meeting of Friends Church:

"Without question the members of Western Yearly Meeting of the Friends Church are earnestly awaiting the submission of the World Court protocols to the Senate, and can be counted on for support in pressing for the membership of the United States in the Permanent Court of International Justice." (Richard B. Newby.)

The Salvation Army:

"Will you please convey to President Hoover, on behalf of Commander Evangeline Booth and the Salvation Army in the United States, our most hearty assurance of support in the matter of full membership of the United States in the Permanent Court of International Justice."

"We are awaiting with keen interest the submission of the protocols to the Senate, and we are earnestly hoping that that august body will ratify those protocols and thus remove the last barrier to the active participation of our Nation in the World Court. Essentially American in its inception, we consider it our national duty to support such a splendid institution for the preservation of the world's peace, and to invest the eminent American who represents us at the court with the fullest possible authority." (Commissioner William Peart.)

The American Unitarian Association:

"Whereas the protocol for the adherence of the United States to the Permanent Court of International Justice protects in all respects the interest of the United States; and

"Whereas the signing of the Kellogg Peace Pact for the Renunciation of War makes it vitally important that the United States be officially connected with the Permanent Court of International Justice.

"Resolved, That the Third Biennial Conference of the American Unitarian Association, assembled at Chicago, October 17, 1929, urgently requests the Senate of the United States to take such steps as may be necessary to bring about the adhesion of the United States to this international tribunal."

"I am personally convinced that there is a stronger feeling than ever we ought to enter the World Court and that at the earliest possible moment. * * * You may assure the President that we are earnestly awaiting the submission of the protocols to the Senate and that he may count on the hearty support of a great body of Unitarians in such action and throughout whatever campaign is necessary for their ratification in the Senate." (Dr. Robert C. Dexter.)

The Universalist Church, general convention:

"I am glad to say on behalf of the Universalist Church that I believe we are almost a unit in desiring the culmination of this project—American membership in the World Court." (Rev. H. E. Benton.)

The Christian Church:

"The Christian Church is very much interested in the matter of peace and our membership in the Permanent Court of International Justice.

"* * * The sentiment is growing steadily among our whole membership * * *. Our President may count upon our hearty support in seeking membership therein." (Rev. Warren H. Denison.)

The Seventh Day Baptist General Conference:

"We believe that the World Court is a prime factor in the realization of a warless world, and that the entrance of the United States into the court is essential to its greatest efficiency.

"As president of the Seventh Day Baptist General Conference, I am asking you to assure President Hoover that our people will give sympathetic support to his effort for the United States to accept membership in the Permanent Court of International Justice." (President Willard D. Burdick.)

Reformed Presbyterian Church:

"The Reformed Presbyterian Church is still deeply interested in the World Court and will give hearty and practically unanimous support to any effort to make the United States a constituent member of the World Court. I wish to assure you that the members of our churches will give the President every support in seeking to secure the ratification by the Senate of the World Court protocols." (Rev. Walter McCarroll.)

II. The Federal Council of the Churches of Christ in America

Resolution adopted by the executive committee December 2, 1930:

"The executive committee of the Federal Council of the Churches of Christ in America welcomes the statement of President Hoover that he plans to submit to the Senate in a special message the protocols of the Permanent Court of International Justice.

"This World Court was established as a result of American suggestions and embodies in the main American ideas and practices. The Hon. Frank B. Kellogg, former Secretary of State, has recently been elected one of the judges of the court. Membership of the

United States in the court was voted by the Senate in 1926, with five reservations. The protocol dealing with American membership, according to the statements of President Hoover, Secretary of State Stimson, and many other competent legal authorities, conforms to those reservations and provides a method by which to carry them out. Ratification of these protocols now seems to us a moral obligation.

"The peaceful settlement of all international disputes is a fundamental policy of the United States, the latest expression of which policy is the Kellogg-Briand peace pact. To make this policy thoroughly effective, a world court for the settlement of all legal controversies is essential. The World Court at The Hague is such a court. It needs the moral and practical support of every peace-loving nation. For the United States to proclaim the settlement of all disputes on a basis of law and reason, equity and good will, and never on the basis of military might and violence, and yet for it to refuse to adhere to the World Court can not fail to be universally regarded as illogical and self-contradictory.

"The Federal Council of Churches of Christ in America and practically all the major church bodies of the United States have repeatedly during the past seven years recorded their judgment and desire that the United States should join the World Court. We believe that the vast majority of the membership of the churches is now more firmly convinced than ever that such membership is an essential step in the program for world justice, mutual confidence, disarmament, and assured peace, which are vital for the general welfare of mankind: Therefore be it

"Resolved—"

"1. That the executive committee of the federal council, reaffirming its many previous actions, again expresses its conviction that the United States should now join the World Court, and respectfully, yet earnestly, urges the Senate to give its early 'advice and consent' for ratification of the protocols.

"2. That the executive committee calls the attention of church members generally to the need for fresh study of the facts in regard to the problem of membership of the United States in the Permanent Court of International Justice, and suggests to them as citizens the importance of giving to their representatives in the Senate fresh expression of their individual judgments and desires."

III. Secretaries of State Federations and Councils of Churches

The California State Church Federation: "At the executive committee meeting (November 6, 1930) of the California State Church Federation, which represents about 80 per cent of all the Protestants in the State, a strong resolution was passed reaffirming the previous attitude of this organization toward the interest of American membership in the World Court." (Rev. F. M. Larkin.)

The Connecticut State Federation: "I feel warranted in saying that the Connecticut churches, by a majority amounting almost to unanimity, favor American membership in the Permanent Court of International Justice." (Rev. Roscoe Nelson.)

The Illinois Council of Churches: "Though the public discussion of the World Court has decreased during the past months, we want you to know that the Christian people of Illinois are still deeply interested in the matter.

"May we ask you to convey to President Hoover assurance that when the protocols are submitted to the Senate the coming winter, we will be glad to do every legitimate thing in our power to bespeak the support of our Senators for their ratification. You have only to command us to secure our interest and hearty cooperation." (President Hugh T. Morrison.)

The Massachusetts Federation of Churches:

(A resolution unanimously adopted at the Twenty-seventh Annual Meeting of the Massachusetts Federation of Churches (Inc.), November 13, 1930:)

"Whereas during the past year the great majority of the nations of the world have approved of the protocol containing the Root agreement as to America's five reservations, while no objections have been recorded, thus making it reasonably certain that every member of the World Court is ready to accept America's conditions; and

"Whereas, therefore, there is no valid reason for continued reluctance to signify our own acceptance of the terms agreed upon:

"Therefore the Massachusetts Federation of Churches urges on the President and Senate of the United States early ratification of the protocol of accession of the United States of America to the Permanent Court of International Justice." (Rev. E. Tallmadge Root.)

The Michigan Council of Churches:

"The Michigan Council of Churches, representing a constituency of 350,000 Michigan citizens, at its second annual meeting on Wednesday, November 19, 1930, at the State capitol, adopted the following resolution:

"Resolved, That this council approve the position of President Hoover in regard to the World Court as a positive influence toward world peace." (Rev. Ralph McAfee.)

The New Hampshire State Council of Churches:

"The New Hampshire State Council of Churches is strongly in favor of the United States entering the World Court at the earliest practical moment, and has so expressed itself by formal action taken at two of its sessions within the past year." (President Edwin T. Cooke.)

The New York State Council of Churches:

"As representing somewhat the interests of 13 denominations in this State and knowing their attitude toward world peace, I

am writing to assure you that the members of these churches are keenly interested in hastening the time when the United States may take its place in the Permanent Court of International Justice." (Rev. Charles E. Vermilya.)

The Ohio Council of Churches:

"The Ohio Council of Churches has repeatedly gone on record favoring American entrance into the World Court. * * * I have every reason to believe that our organization is more strong for said entrance into the court than ever before. We shall be pleased to do whatever is possible in rallying public sentiment to that end." (Rev. B. F. Lamb.)

The Oklahoma State Council of Churches:

"The Oklahoma State Council of Churches at its meeting at Oklahoma City November 24 and 25 voted unanimously as follows:

"That we urge President Herbert Hoover to submit to the Senate at the forthcoming session of Congress recommendation that the United States become a member of the World Court on the basis of the protocols as signed." (Rev. F. M. Sheldon.)

The Pennsylvania Council of Churches:

"The Pennsylvania Council of Churches has always been committed to the joining of the United States and has made very strong pronouncements to this effect. It has seemed to us to be very inconsistent on the part of the United States not to take a favorable action." (Rev. William L. Mudge.)

Federation of Women's Church Societies of Rhode Island:

"In view of the action taken in relation to the entrance of the United States into the World Court last year, by the church groups constituting this federation, I feel confident of their continued deep interest in the matter and that they will welcome the opportunity again to support the President in presenting the World Court protocol to the coming session of the Congress and will urge its speedy ratification." (Mrs. Henry I. Cushman.)

The Federation Council of the Churches of Christ in South Dakota:

"I am hereby writing you to assure you that the Protestant Churches in South Dakota in the Federation Council of South Dakota, members of the Federal Council of the Churches of Christ in America, are hoping that these protocols will be ratified by our Senate, and that we may become members of the World Court. I find a growing sentiment in favor of this action among the members of our Federation Council, and you can assure the President that the Protestant churches of South Dakota will be back of him in this, his desire for ratification." (Rev. H. C. Juell.)

Mid West Office of the Federal Council of the Churches of Christ in America:

"My work as associate general secretary of the Federal Council of the Churches of Christ in America, and especially in the field of extension of State and local cooperation, brings me constantly in touch with the executive secretaries of our city and State councils of churches and with leaders in the different cities. All of these contacts impress upon me more and more the unanimity of the desire of the leaders in the church that the United States should become a member of the permanent Court of International Justice." (Rev. Roy B. Guild.)

IV. Secretaries of city federations and councils of churches and of interdenominational associations of ministers

Atchison (Kans.) Ministerial Association:

"As secretary of the Ministerial Association of Atchison, Kans., I am instructed by the six members now forming this association to inform you that it is our unanimous opinion that the United States of America should become a member of the Permanent Court of International Justice.

"We desire, if possible, that you may convey to President Hoover the fact of our keen interest in this matter. We hope the President will submit to the Senate the protocols as soon as seems best, and that favorable action will be taken there on this vital matter. We believe in America's entrance into the World Court and will do our part to increase the interest in the public here in this course." (Rev. J. Hamilton Woodsum.)

Atlanta (Ga.) Christian Council:

"The Atlanta Christian Council, representing 128 churches of 7 Protestant denominations, wishes to pledge its heartiest sympathy in your effort to encourage the speedy entry of the United States into the World Court. Please convey our sentiments to President Hoover." (Rev. D. P. McGeachy.)

Boston (Mass.) Federation of Churches:

"The ministers and churches of our community are keenly interested in the World Court issue and anxious to have the United States a member. Resolutions to this effect have been passed with practical unanimity in previous years, and we do not feel that our judgment has changed." (Rev. George L. Paine.)

Brooklyn (N. Y.) Federation of Churches:

"It is my firm conviction that the vast majority of the ministers and church leaders in Brooklyn are most heartily in favor of the United States entering fully into the World Court. I think it would be most unfortunate if Congress were to delay action longer." (Rev. Frederick M. Gordon.)

Cambridge (Mass.) Council of Churches:

"The members of the Protestant churches in Cambridge are still as keenly interested as ever in the matter of the World Court protocols. They are ready to stand behind him (the President) and give him their strong support whenever the protocols are presented to the Senate. The United States should certainly become a member of the Permanent Court of International Justice." (Rev. Raymond Calkins.)

Chicago (Ill.) Church Federation:

"The Protestant churches of metropolitan Chicago in the fellowship of the Chicago Church Federation are vitally interested in the matter of American membership in the World Court, and are earnestly awaiting the submitting of the protocols to the Senate and will continue to give their hearty support in pressing for the membership of the United States in the Permanent Court of International Justice.

"The Chicago Church Federation represents 17 denominations and over 800 Protestant churches of metropolitan Chicago." (Rev. Walter R. Mee.)

Detroit (Mich.) Council of Churches:

"The board of directors of the Detroit Council of Churches, in session Thursday, November 6, 1930, at noon, by unanimous vote reaffirmed our previous actions of indorsement of the World Court.

"We will appreciate it if you will convey to President Hoover assurance that, as far as we can ascertain, the members of the churches of our community are keenly interested in the court and earnestly await America's entrance into it.

"We will be glad to support the President whenever in his judgment the time is ripe to lay the protocols before the Senate." (Rev. Ralph McAfee.)

Hartford (Conn.) Council of Churches:

"Our council of churches has already acted favorably regarding the World Court and will do so again. * * * You can count on our action whenever the time seems opportune." (Rev. Edwin Knox Mitchell.)

Indianapolis (Ind.) Church Federation:

"At its meeting on November 15 the executive committee of the Church Federation of Indianapolis passed a motion expressing the desire that President Hoover, without fail, submit the World Court protocol to Congress at the coming session. Similar action had been taken previously at the meeting of the city ministers' association.

"This, we think, expresses the attitude of the thinking people in the churches, who are desirous of seeing progress made in this direction." (Rev. Ernest N. Evans.)

Kansas City (Mo.) Council of Churches:

"I am addressing these few lines to you with the intent of giving you again the assurance of the most cordial support on the part of our church people in this area to the adherence of the United States to the permanent court of international justice.

"Just a short time ago I raised this question with our executive committee and I discovered that without a dissenting voice they were anxious to have every possible action taken which might hasten the time when our country would become a member of the court." (Rev. Irvin E. Deer.)

Los Angeles (Calif.) Church Federation:

"We will give our hearty cooperation to the President of the United States in his effort to have the United States enter into the World Court.

"The Protestant churches of this community are interested in seeing the protocols * * * considered as soon as possible." (Allan A. Hunter.)

Medford (Mass.) Federation of Women's Church Societies:

"Protestant churches in Medford are as keenly interested as ever in the World Court protocols and are awaiting with interest the submitting of them to the Senate, and they heartily support pressing for the membership of the United States in the Permanent Court of International Justice." (Mrs. O. B. Leonard.)

New York (N. Y.) Federation of Churches:

"Protestant churches in Greater New York are as keenly interested as ever in the question of the United States entering the Permanent Court of International Justice. * * * We are convinced that the uniting of our country with other nations in this effort to insure the peace of the world should no longer be delayed." (Rev. W. B. Millar.)

Philadelphia (Pa.) Federation of Churches:

"The directors of the Philadelphia Federation of Churches have repeatedly expressed their earnest hope that the Senate will vote to have the United States become a member of the Permanent Court of International Justice. The interest in this proposal has deepened with the passing of the months. (Rev. Elim A. E. Palmquist.)

Portland (Me.) Church Federation:

"At the last meeting of the executive board of the Church Federation it was voted that the executive secretary be authorized to convey to you that, as a group, they are whole-heartedly behind the President in his attempt to press for the membership of the United States in the Permanent Court of International Justice and that it was the consensus of opinion that a large majority of the church membership of Portland was also concerned about this question and hoped for action." (Mrs. Louis M. Files.)

Portland (Oreg.) Council of Churches:

"I am instructed by the executive committee of the Portland Council of Churches to bring to your attention the matter of entrance of the United States into the World Court.

"It is the judgment of this committee, representing the Protestant churches of Portland, that there is deep concern that the United States Government take the earliest possible action on the protocols, whereby American membership in the World Court becomes a fact. Conditions throughout the world urge the importance of this action on the part of our Government as a friendly and reassuring demonstration.

"To this end I am instructed to request that you speak as the representative of the Portland Council of Churches conveying to the President of the United States our urgent request that such

action be taken by the Government during the coming session of Congress, and assuring him of our hearty support of his endeavors to this end." (Frederick H. Strong.)

Shenandoah (Iowa) Ministerial Association and Council of churches:

"The churches of this community are interested in the entrance of this country into the Permanent Court of International Justice, and he (our President) can count on the support of this community to back him in such a movement." (President L. A. Lippert.)

Toledo (Ohio) Council of Churches:

"By unanimous vote of the Social Service Department and also of the executive board of the Toledo Council of Churches, I am writing to state that the Toledo Council of Churches is glad to reexpress its belief that the United States should become a member of the World Court.

"If President Hoover sees fit in the near future to present the World Court protocols to the Senate, it is our belief that the people of the churches in this city will be glad to support him in that action and to urge upon their Senators the speedy ratification of these protocols." (Harlan M. Frost.)

Trenton (N. J.) Council of Churches:

"As president of the Council of Churches in Trenton, representing 85 Protestant churches, I want to announce that the Protestant churches of the community are heartily behind the proposed World Court and America entering the World Court. I hope you will convey to the President the enthusiasm of the church members of this community." (Rev. William Thomson Hanzsche.)

Washington (D. C.) Federation of Churches:

"So far as the attitude of our local congregations has become known to me, they are favorable to such membership (in the World Court) and hope that our country will not remain aloof any longer." (Rev. W. L. Darby.)

West Roxbury (Mass.) Federated Church Societies:

"At its meeting this year the West Roxbury branch of the Boston Federated Church Societies voted to go on record to the President, Mr. Hoover, as being keenly interested in having the United States take membership in the World Court of International Justice." (Elizabeth Sawyer.)

Wilmington (Del.) Council of Churches:

"We particularly appreciate the difficulties confronting you in the matter of America's representation in the World Court, and I take this opportunity of sending you word to assure you of the very large number of ministers and church people in our community who are deeply concerned and are following you in this work with our prayers and very sincere wishes." (Rev. Charles L. Candee.)

Youngstown (Ohio) Federated Churches:

"A very large majority of the members of the Protestant churches of our city are strongly in favor of the membership of the United States in the Permanent Court of International Justice.

"It is to be hoped that the President will present this matter to the Senate at his earliest opportunity. I am confident that our church people will heartily support him in so doing." (Rev. George L. Ford.)

V. The National Committee on the Churches and World Peace

"The action of the last conference of the Churches and World Peace, representing 37 national religious bodies, was so clear and emphatic that I can say with authority that this great constituency is ardently back of President Hoover in the submission of the World Court protocols and will urge upon the Senate prompt ratification. To quote from the findings: 'This conference is convinced that the tradition of the United States points directly to membership in the World Court * * * and that such membership is essential to the fulfillment of America's international obligations.' (John Howland Lathrop.)

THE TARIFF

Mr. FESS. Mr. President, recently our friend, Gov. E. C. Stokes, of New Jersey, wrote a very informational letter on the tariff question to the New York Times, which was published in that paper. I ask unanimous consent that it may be inserted in the RECORD.

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

The letter is as follows:

[From the New York Times, Wednesday, December 10, 1930]
THE TARIFF AS A BENEFIT—WE ARE, IT IS HELD, ACTING FOR OUR OWN BEST INTERESTS

To the EDITOR OF THE NEW YORK TIMES:

I quote from the Times of November 30 the following by Raymond B. Fosdick: "The recent tariff act was a blow struck by one nation at the economic stability of 60 nations. It was the blind, desperate effort of a great country to hang on to the top of the ladder by kicking at every other country."

The writer apparently fails to state that practically every country of industrial importance is raising its tariff walls against American products, as, for instance, Italy, England, France, and Germany against our automobiles; the recent enactments by Canada and the action of other countries favoring the protective policy for their own lands. The protective policy is growing in

favor throughout the world. It is intimated that America is the sole champion of this policy, which is contrary to the facts.

The truth is that America is the greatest free-trade country on earth, with the exception of England. I quote the figures vouchered for by former President Coolidge, which may need some slight revision but which are still practically true: "The value of our imports for the last fiscal year showed an increase of more than 71 per cent since the present tariff law went into effect." In other words, President Coolidge shows that the tariff is not a bar to purchases by us from foreign countries; that they sell more to us under the protective tariff than otherwise, because we have a greater buying power. He goes on to say:

"Of these imports about 65 per cent come in free of duty. We have admitted a greater volume of free imports than any other country excepting England.

"We are, therefore, levying duties on about \$1,550,000,000 of imports. Nearly half of this, or \$700,000,000, is subject to duties for the protection of agriculture and have their origin in countries other than Europe. They substantially increased the prices received by our farmers for their produce. About \$300,000,000 more is represented by luxuries, such as costly rugs, furs, precious stones, etc. This leaves only about \$550,000,000 of our imports under a schedule of duties which is in general under consideration when there is discussion of lowering the tariff. While the duties on this small portion, representing only about 12 per cent of our imports, undoubtedly represent the difference between a fair degree of prosperity or marked depression to many of our industries and the difference between good pay and steady work or wide unemployment to many of our wage earners, it is impossible to conceive how other countries or our own importers could be greatly benefited if these duties are reduced."

The last revision of the new bill contains 3,221 specifically mentioned dutiable items and "basket" clauses which cover a number of items. A recent survey by the Tariff Commission shows that 2,171 or 66 per cent of these items remain as they were in the tariff law of 1922. This means that only one-third of the dutiable items are affected by the bill.

The increased duties allowed by the bill are mostly in favor of agriculture. Duties levied on agricultural raw materials are compensatory duties allowed industries using those materials and account for approximately 68 per cent of the total increase. Agricultural duties will jump from 38.10 per cent to 48.92 per cent on raw materials; compensatory duties on agricultural products made from agricultural raw materials, from 36.15 per cent to 48.87 per cent; but the increase in industrial rates in which the compensatory element does not enter is only from 31.02 per cent to 34.31 per cent. The tariff measure is preeminently an agricultural revision upward.

On the basis of these facts, charges that industry stands to gain millions of dollars from this act at the expense of the public are absurd.

The insignificance of the increase of our tariff rates on our industrial products certainly does not warrant the misleading propaganda and indictment of the last tariff legislation that is now being spread throughout the country.

The competition from other countries has grown keenly since the war. The low wages of 140,000,000 Russians, all conscript labor; the low wages of China and Japan, of Germany and Czechoslovakia, with other illustrations that might be cited, make the dumping of foreign products on our shores inevitable unless we raise a protective barrier.

These foreigners pay no taxes in this country, they do not contribute to our churches, or our charities, or our colleges or universities or schools, and in case of war they might fight against our flag. Why should they have the privilege of our markets, which they in no sense create, against our own people and to the detriment of the latter? Not all but a large part of the goods that come in from other countries take work from the American people and reduce the American pay roll.

There is apparently an almost universal demand in this country, whether wise or unwise, to stop immigration; and yet we allow that would-be immigrant to work abroad for beggarly wages, the product of his handicraft being shipped over here, thus preventing the sale of American-made goods and throwing the American workman out of a job.

We forbid the sale of prison-made goods in this country on the ground that it displaces free labor. That policy is universally adopted and is a good one. The same principle applies to the cheap goods that are made by the low-paid labor from other countries.

This free-trade propaganda makes one wonder what has become of our boasted Americanism. Are there no Americans in America to speak for our country and resent the gospel of these internationalists, who seem to have hysterics over American legislation, and who in spirit are foreigners first and Americans last? They are so solicitous for the nations over the seas that one wonders if they are Americans at all.

America has been most generous to the other nations of the world. In the last few years she has sent thirteen billions of capital abroad to help other nations. We helped to fight their battles in the World War. We aided the starving children of Russia and Germany. We were first on the ground with assistance at the time of the Japanese earthquake. Our hand is always extended to aid and help other peoples, and yet if we try to protect our own people, so they can have work and wages, a set of dilettante internationalists howls about the barriers of trade.

E. C. STOKES.

SETTLEMENT OF CLAIMS

Mr. HOWELL. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 776, the bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death.

The VICE PRESIDENT. Let the bill be read for the information of the Senate.

The bill (S. 4377) to provide for the settlement of claims against the United States on account of property damage, personal injury, or death, which had been reported from the Committee on Claims without amendment, was read by title.

Mr. SMOOT. Mr. President, will it take very long to dispose of the measure?

Mr. HOWELL. I trust not. The bill was passed by Congress and pocket-vetoed by President Coolidge because there was in it a provision which provided that the attorneys in the General Accounting Office should conduct any suits which might arise thereunder. That was objected to by the Attorney General's Office. This provision has been excluded from the bill. It is legislation which is highly necessary. It will relieve the committees of Congress of a great deal of work and will provide for uniformity of settlement of tort claims. It will also expedite the claims of claimants against the United States Government.

Mr. SMOOT. Is it a unanimous report from the committee?

Mr. HOWELL. It is a unanimous report.

Mr. BRATTON. Mr. President, I hope the Senator from Nebraska will not insist upon his motion. The bill is a long and comprehensive one. It proposes to confer new powers upon certain departments, including that of the Comptroller General. It proposes to set up a new system for the adjustment of claims, which will apply to thousands of claimants against the Government. It will require some discussion, and probably will consume the entire morning hour. I hope the Senator will let the bill go over until after the Christmas holidays in order that some of us may give it further study and be able to discuss it at that time. The bill can not be disposed of hurriedly this morning. There are several Senators who entertain fixed views about it and who probably desire to voice them. Under those circumstances, let me suggest to the Senator from Nebraska that he allow the bill to go over until after the holiday recess.

Mr. HOWELL. Mr. President, this bill has been before the Senate for about nine months. It has been objected to when it has been reached on the calendar from time to time. There is only one way that the Senate can understand the bill, which proposes to grant certain powers and is somewhat complicated, and that is to discuss it, so that the Senators may understand and appreciate what its passage will mean to Congress in relieving it of unnecessary work, and what it will mean to claimants who come here and importune the various Senators for the settlement of tort claims.

In an act of 1922 Congress provided for the settlement of tort claims not to exceed \$1,000 involving property damage, and provided that they may be settled by the various departments. They are being so settled, but there is no uniformity in the method of settlement.

Therefore, Mr. President, though I am sorry to disagree with the Senator from New Mexico, there is only one way for this bill to be passed—that is, for the Senate to understand it—and I think the sooner we begin to discuss this question and understand it the sooner we shall eliminate the bill from the calendar.

Mr. SMOOT. Mr. President, will the Senator please withdraw his request for the consideration of the bill until we get through with the Interior Department appropriation bill, which has to go back to the House of Representatives?

Mr. HOWELL. I do not want to interfere with the Interior Department appropriation bill, but we are now in the morning hour, and I have now the first opportunity of having this question decided.

Mr. McNARY, Mr. WATSON, and Mr. MOSES addressed the Chair.

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

MR. HOWELL. I yield first to the Senator from Oregon.

MR. McNARY. I think probably, with a short explanation, the Senator from Nebraska, with his sense of fairness, will appreciate the situation now confronting the Senate. Yesterday request was made for an executive session at 2 o'clock. I interposed an objection that the executive session should not be set definitely for that hour if it would interfere with the consideration of two important conference reports.

MR. President, two conference reports will be in here this afternoon; I expect one regarding drought relief to be here before 2 o'clock this afternoon.

MR. MOSES. Mr. President, may I interject that the conference report on the Post Office and Treasury Departments appropriation bill is here now?

MR. McNARY. There are two appropriation bills that are demanding attention. It will be difficult, unless we act promptly, to get the relief measures through before the holiday recess, and they are imperatively important. The measure in which the Senator from Nebraska is so much interested may be loaded with merit, but certainly this is not the time to take it up, when there is pressing need to act upon more urgent legislation; and I appeal to the fairness of the Senator from Nebraska not to insist upon his motion until after the holiday recess.

MR. HOWELL. Mr. President, I will agree to withdraw my motion if I may have the bill to which I have referred made the unfinished business, and I ask unanimous consent—

MR. McNARY. Mr. President, may I suggest to the Senator that we have unfinished business now before the Senate, namely, the so-called maternity bill, and we can not pile up order upon order. If the Senator will just be patient, I fancy he will have no difficulty, after we convene in January, in securing consideration of his bill.

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

MR. HOWELL. I yield.

MR. ROBINSON of Arkansas. When will it be practicable to bring forward the conference report on the bill to which the Senator has referred, namely, the drought relief bill?

MR. McNARY. Between 1 and 2.30 o'clock this afternoon; that is my hope.

MR. NORRIS. Mr. President, I should like to suggest to the Senator from Oregon that the two important conference reports which will necessarily have to be considered before any holiday recess can be taken are both now in the other House; neither one is here.

MR. SMOOT. But the Interior Department appropriation bill is here.

MR. NORRIS. Yes; but that is not so important; if that bill shall not be passed until after the holiday recess, it will not make any difference. The conference reports of which the Senator from Oregon speaks, however, are both emergency measures. Why can not the Senator from Nebraska go on with his bill, at least until one of the conference reports to which the Senator from Oregon has referred reaches the Senate, if his bill shall not have been disposed of before that time?

MR. McNARY. Mr. President, in answer to the Senator, let me say that yesterday we came to a moral understanding that at 2 o'clock to-day we would proceed to the consideration of executive business.

MR. NORRIS. There was a condition attached to that understanding, namely, that it should not interfere with the conference reports on the emergency bills.

MR. McNARY. I appreciate that, and I think I made a similar suggestion. I expect the conference report on the drought relief bill to be here at 1 o'clock; that is only 35 minutes from now; and it would be idle to undertake to discuss an important bill for 35 minutes, and it would interfere very greatly with what we can accomplish to-day. I think the Senator from Nebraska understands the situation, and I sincerely hope that he will withdraw his motion.

MR. HOWELL. Mr. President, time and again this bill has been before the Senate; time and again it has been reached, and the statement made that there was something else that was more important and it should not be considered. There are now nearly 40 minutes left of the morning hour, which is set aside for just such purposes as the discussion of bills of this character.

MR. MOSES. Mr. President, will the Senator permit me to make a suggestion?

THE VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from New Hampshire?

MR. HOWELL. I yield.

MR. MOSES. I suggest to the Senator that he enter a motion now, which we can dispose of, to make the bill a special order for a given day following the holiday recess.

MR. SWANSON. Mr. President, a parliamentary inquiry. **THE VICE PRESIDENT.** The Senator from Virginia will state it.

MR. SWANSON. Only five minutes debate is permitted before 2 o'clock, is it not?

THE VICE PRESIDENT. No debate is in order now if any Senator objects until the bill shall have been taken up.

MR. SWANSON. We can dispose of this question by a vote if an agreement can not be reached.

THE VICE PRESIDENT. But if the bill shall be taken up on motion debate would be unlimited.

MR. SWANSON. But no debate is in order on the motion to take the bill up.

THE VICE PRESIDENT. No debate is in order if any Senator objects.

MR. HOWELL. Well, Mr. President—

MR. SWANSON. I call for the regular order.

MR. HOWELL. I move that this bill be made the special order for 2 o'clock on the 5th day of January.

MR. LA FOLLETTE. Mr. President, a parliamentary inquiry.

THE VICE PRESIDENT. The Senator will state it.

MR. LA FOLLETTE. It requires a two-thirds vote to make the bill a special order, does it not?

THE VICE PRESIDENT. It requires a two-thirds vote in order to make it a special order.

SEVERAL SENATORS. Vote!

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

The motion was rejected.

MR. HOWELL. I ask permission to proceed with this bill at the present time.

THE VICE PRESIDENT. Objection was made by the Senator from Virginia, who demanded the regular order.

MR. SWANSON. We can act on a motion to consider the bill, but I want the matter disposed of. If a motion to consider the bill were agreed to and the bill should be taken up, there would be no limit to debate on it.

MR. HOWELL. I move that the Senate proceed to the consideration of the bill.

THE VICE PRESIDENT. The question is on the motion of the Senator from Nebraska to proceed to the consideration of the bill, which the Secretary will state by title.

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

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

The motion was rejected.

ACTION OF STATE DEPARTMENT ON FOREIGN LOANS

MR. SMOOT obtained the floor.

MR. GLASS. Mr. President—

THE VICE PRESIDENT. Does the Senator from Utah yield to the Senator from Virginia?

MR. SMOOT. I yield.

MR. GLASS. Mr. President, there is on the desk a resolution offered by me some time ago directing the Department of State to discontinue the exercise of a lawless function in the matter of undertaking to approve or disapprove loans negotiated by banks in this country with citizens of foreign countries and with foreign nations. I refer to Senate Reso-

lution 305. I want to ask to have the resolution referred to the Committee on Banking and Currency, with the intention of asking that committee to report it immediately after the holiday recess.

I do this because I notice in the press dispatches that the State Department found it desirable the other day to disclaim having disapproved certain loans by American banks to Italy upon the ground that it would not sanction any loan to Italy until Italy yielded in the matter of its differences with France on the question of naval disarmament.

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

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

Mr. GLASS. Yes; I yield.

Mr. REED. I saw the statement by the State Department. As it was issued, it was to the effect that the department had not been asked to consider any such loans and had not considered them.

Mr. GLASS. That I know.

Mr. REED. The subject had never been brought up.

Mr. GLASS. I say that I know, and that I am saying, but we should not have a situation in this country where the State Department feels compelled to deny that it has done something that it has no lawful right to do in any event.

The VICE PRESIDENT. The resolution will be referred to the Committee on Banking and Currency.

INTERIOR DEPARTMENT APPROPRIATIONS

Mr. SMOOT. I move that the Senate proceed to the consideration of House bill 14675, being the Interior Department appropriation bill.

Mr. NORRIS. Mr. President—

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

Mr. NORRIS. I do not ask the Senator to yield. I desire to submit a parliamentary inquiry.

The VICE PRESIDENT. The Senator from Nebraska will state his parliamentary inquiry.

Mr. NORRIS. If the motion of the Senator from Utah shall prevail, and the bill shall not have been disposed of before 2 o'clock, will it not displace the unfinished business?

The VICE PRESIDENT. No; the unfinished business will be laid down at 2 o'clock.

Mr. NORRIS. Then the appropriation bill would not displace the unfinished business?

The VICE PRESIDENT. It would not. The question is on the motion of the Senator from Utah.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 14675) making appropriations for the Department of the Interior for the fiscal year ending June 30, 1932, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. SMOOT. I ask that the formal reading of the bill may be dispensed with and that the bill may be read for amendment, the amendments of the committee to be first considered.

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

The Chief Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the heading "Office of the Secretary, salaries," on page 2, line 5, after the name "District of Columbia," to strike out "\$358,000; in all, \$373,000" and insert "\$360,780; in all, \$375,780," so as to read:

Secretary of the Interior, \$15,000; First Assistant Secretary, Assistant Secretary, and other personal services in the District of Columbia, \$360,780; in all, \$375,780.

The amendment was agreed to.

The next amendment was, under the subhead "Office of solicitor," on page 3, line 22, to increase the appropriation for personal services in the District of Columbia from \$120,000 to \$120,500.

Mr. SMOOT. Mr. President, nearly all the amendments to the bill are caused by the Budget salary increases. There are very few amendments, I think only about half a dozen,

outside of those made necessary by the salary increases as reported by the Budget. I ask unanimous consent that all the amendments covering those increases be agreed to en bloc.

Mr. ROBINSON of Arkansas. Let us have an explanation of that request, Mr. President.

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

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

Mr. SMOOT. I yield.

Mr. ROBINSON of Arkansas. I think that before an omnibus arrangement of that nature is made, we should at least have an explanation as to what the increases are, and something should be said about the necessity for them.

Mr. SMOOT. Mr. President, it is the same action we took with respect to the Treasury appropriation bill. The increases are provided for under what is known as the Brookhart salary law. Similar increases are found in the appropriations for all the different departments of the Government.

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

Mr. SMOOT. I yield.

Mr. HEFLIN. What will the increases amount to?

Mr. SMOOT. The increases in this particular bill amount to \$248,194.

Mr. BRATTON. Mr. President, it is my understanding that all of those increases merely carry out existing law.

Mr. SMOOT. Yes; they carry out existing law as construed by the department, and I think rightfully construed.

Mr. ROBINSON of Arkansas. What are the items?

Mr. SMOOT. The items are the salaries which have been affected by the salary increases. I do not know how many of them there are in this bill, but in the appropriation bill for every department increases have been made to take care of the increases in salaries.

Mr. ROBINSON of Arkansas. I think we had better proceed in the regular manner.

The VICE PRESIDENT. The question is on agreeing to the amendment on page 3, line 22.

The amendment was agreed to.

The next amendment was, under the subhead "Expenses of Indian Commissioners," on page 6, line 23, before the word "of," to strike out "\$14,100" and insert "\$14,300," and in the same line, after the word "exceed," to strike out "\$9,000" and insert "\$9,200," so as to read:

For expenses of the Board of Indian Commissioners, \$14,300, of which amount not to exceed \$9,200 may be expended for personal services in the District of Columbia.

Mr. SMOOT. That is a salary increase.

The amendments were agreed to.

The next amendment was, under the heading "General Land Office, salaries," on page 7, line 4, after the name "District of Columbia," to strike out "\$732,000" and insert "\$741,160," so as to read:

For Commissioner of the General Land Office and other personal services in the District of Columbia, \$741,160, including one clerk of grade 1, clerical, administrative, and fiscal service, who shall be designated by the President, to sign land patents.

Mr. ROBINSON of Arkansas. Is that in the same class?

Mr. SMOOT. It is the same.

The amendment was agreed to.

The next amendment was, on page 8, line 18, after the name "Secretary of the Interior," to strike out "\$700,000" and insert "\$706,480," so as to read:

Surveying public lands: For surveys and resurveys of public lands, examination of surveys heretofore made and reported to be defective or fraudulent, inspecting mineral deposits, coal fields, and timber districts, making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States, under the supervision of the Commissioner of the General Land Office and direction of the Secretary of the Interior, \$706,480.

Mr. SMOOT. That is the same thing, a salary increase.

The amendment was agreed to.

The next amendment was, on page 10, line 1, after the word "another," to strike out "\$192,500" and insert "\$193,460," so as to read:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the expenses of depositing public money; traveling expenses of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices and in the opening of new land offices and reservations, and for traveling expenses of clerks transferred in the interest of the public service from one district land office to another, \$193,460.

Mr. SMOOT. That is a salary increase.

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator from Utah can state the amendments which would be comprehended in his request for omnibus action, I know of no reason why the Senate might not agree to it. But just to say that all amendments that have relationship to a particular subject be agreed to I think is bad practice.

Mr. SMOOT. It would be.

Mr. ROBINSON of Arkansas. Perhaps we had better go right ahead.

Mr. FLETCHER. I think we will save time by going on in the regular way.

Mr. SMOOT. So do I.

The PRESIDING OFFICER (Mr. FESS in the chair). The Secretary will report the next amendment.

The next amendment was, on page 10, line 14, before the word "including," to strike out "\$485,000" and insert "\$488,220," so as to read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: For protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; protecting public lands from illegal and fraudulent entry or appropriation, adjusting claims for swamp lands and indemnity for swamp lands; and traveling expenses of agents and others employed hereunder, \$488,220, including not exceeding \$35,000 for the purchase, exchange, operation, and maintenance of motor-propelled passenger-carrying vehicles and motor boats for the use of agents and others employed in the field service and including \$60,000 for prevention and fighting of forest and other fires on the public lands, to be available for this and no other purpose, and to be expended under the direction of the commissioner.

Mr. SMOOT. That is a salary increase.

The amendment was agreed to.

The next amendment was, under the heading "Bureau of Indian Affairs, salaries," on page 11, at the end of line 9, to strike out "\$465,000" and insert "\$472,440," so as to read:

For the Commissioner of Indian Affairs and other personal services in the District of Columbia, \$472,440, and in addition thereto the unexpended balance for this purpose for the fiscal year 1931 is continued available for the same purpose for the fiscal year 1932.

Mr. SMOOT. That is the salary increase.

Mr. KING. Mr. President, I am not sure whether this is the appropriate place to offer an amendment or not, but the amendment I propose to offer will be in harmony with the suggestion made by Mr. and Mrs. Crawford, representing the Klamath Indians. They objected to an appropriation.

Mr. SMOOT. Mr. President, this is not the place, I will say to my colleague. When we come to the Indian section whatever amendment the Senator desires to offer can be offered, after we get through with the amendments of the committee.

Mr. KING. I have no objection to that course.

The PRESIDING OFFICER. The question is on agreeing to the amendment on page 11, line 9.

The amendment was agreed to.

The next amendment was, on page 14, at the end of line 2, after the figures "\$23,000," to insert a comma and "to be immediately available," so as to read:

For the purchase of supplies and equipment and the employment of labor for the construction and repair of telephone lines between Gallup, N. Mex., and the Zuni Indian Agency; and within the Jicarillo Reservation, N. Mex., \$23,000, to be immediately available.

The amendment was agreed to.

The next amendment was, under the subhead "Expenses in probate matters," on page 15, line 22, after the name "Secretary of the Interior," to strike out "\$73,000" and insert "\$73,260," so as to read:

For the purpose of determining the heirs of deceased Indian allottees having right, title, or interest in any trust or restricted property, under regulations prescribed by the Secretary of the Interior, \$73,260, reimbursable as provided by existing law, of which \$16,000 shall be available for personal services in the District of Columbia.

Mr. SMOOT. That is a Budget increase.

The amendment was agreed to.

The next amendment was, on page 16, line 9, after the word "attorneys," to strike out "\$40,000" and insert "\$40,600," so as to read:

For salaries and expenses of such attorneys and other employees as the Secretary of the Interior may, in his discretion, deem necessary in probate matters affecting restricted allottees or their heirs in the Five Civilized Tribes and in the several tribes of the Quapaw Agency, and for the costs and other necessary expenses incident to suits instituted or conducted by such attorneys, \$40,600.

Mr. SMOOT. That is a salary increase.

The amendment was agreed to.

The next amendment was, under the subhead "Indian lands," on page 18, line 2, to strike out "\$3,700" and insert "\$3,800," so as to read:

For the pay of one special attorney for the Pueblo Indians of New Mexico, to be designated by the Secretary of the Interior, and for necessary traveling expenses of said attorney, \$3,800.

Mr. SMOOT. That is a salary increase.

The amendment was agreed to.

The next amendment was, on page 21, line 2, after the name "Red River in Oklahoma," to insert a colon and the following proviso:

Provided, That said sum herein made available shall be paid out in two equal installments—one during the month of October and one during the month of March.

So as to read:

For payment to the Kiowa, Comanche, and Apache Indians, of Oklahoma, under such rules and regulations as the Secretary of the Interior may prescribe, \$200,000, from the tribal trust fund established by joint resolution of Congress, approved June 12, 1926 (44 Stat. p. 740), being a part of the Indians' share of the money derived from the south half of the Red River in Oklahoma: *Provided*, That said sum herein made available shall be paid out in two equal installments—one during the month of October and one during the month of March.

Mr. SMOOT obtained the floor.

Mr. HOWELL. Mr. President—

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

Mr. SMOOT. I was just going to explain the amendment, and then I will yield.

Mr. HOWELL. Very well.

Mr. SMOOT. That amendment was put into the bill at the request of the junior Senator from Oklahoma [Mr. THOMAS]. The only purpose of the amendment is to advise the Indians when they can expect this money.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Chaffee, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment, that the House insisted on its disagreement to the amendments of the Senate numbered 11, 12, and 14 to the said bill, agreed to the further conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. Wood, Mr. CRAMTON, Mr. WASON, Mr. BYRNS, and Mr. BUCHANAN were appointed managers on the part of the House at the further conference.

SETTLEMENT OF CLAIMS

Mr. HOWELL. Mr. President, it seems that the only way to get an opportunity to present a question to the Senate is to proceed, and I shall take the liberty at this time of presenting to the Senate the merits of Senate bill 4377, the so-called tort bill.

I think it will be agreed that the Government of the United States should respond to claimants where wrongs have been done in connection with property, or where life and limb are involved; and there ought to be some means whereby those wrongs can be corrected and damages allowed without undue time passing, so far as the claimant is concerned.

At the present time, however, there is no general method of settling tort claims against the United States where the claims arise out of the acts of public officials in the performance of their duties. It is true that in 1922 Congress saw fit to give authority in a limited degree to the independent departments of the Government to settle tort claims involving property to the amount of \$1,000. But what has been the result? There have been about as many different kinds of settlement in connection with similar claims as there are departments, and oftentimes, as before 1922, a claim coming before the War Department, for instance, is delayed several months before a result is obtained.

As to claims of over \$50,000, they all have to come to Congress; they come before one of the Committees on Claims and they come before that committee with ex parte evidence only. They have not been properly investigated. There has not been a proper report made. The evidence before the Claims Committee is evidence upon which no court would attempt to settle a claim.

What this bill proposes is this: The orderly collection of the testimony; its collation; its presentation to the General Accounting Office; and, if the claim does not exceed \$1,000, the Accounting Office has the right to settle the claim in the light of the recommendations of the various departments, in the light of the testimony they have gathered, and in the light of such additional testimony as the Accounting Office may gather.

Mr. SHORTRIDGE. Up to \$1,000?

Mr. HOWELL. One thousand dollars, and no more.

Mr. NORRIS. Mr. President, is there any provision for the cross-examination of witnesses?

Mr. HOWELL. There is no provision of that character. The claimant makes his claim; he presents his claim to the department.

Mr. SHORTRIDGE. What department?

Mr. HOWELL. The department the employee of which has been guilty of the tort. This is merely in connection with property damage. He presents all the facts. The department makes a complete and full investigation. The report is presented to the General Accounting Office. The Accounting Office then makes such investigation as it deems proper. The Accounting Office then makes a settlement, and if the party is not satisfied he can go to the Court of Claims as on certiorari upon that record.

Thus far we give no more power to the General Accounting Office than is enjoyed by the various departments, but we do provide in this manner for a uniform method of settlement of such claims.

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

Mr. HOWELL. I yield.

Mr. SHORTRIDGE. Do I understand that this bill proposes that in connection with torts a given department has the authority, the power, to hear and determine and dispose of a claim?

Mr. HOWELL. At the present time that is the fact, up to a thousand dollars.

Mr. SHIPSTEAD. Mr. President, I make the point of order that the Senate is not in order.

The PRESIDING OFFICER. The point of order is well taken. The Senate will be in order.

Mr. SHIPSTEAD. The Senator from Nebraska is discussing a very important question, and I want to hear the discussion.

Mr. SHORTRIDGE. I will put the question again, Mr. President. I have not read the bill, wherefore I have asked the Senator as to its general scope. What power, if any, is given to a particular department; and has the department the full power to hear and determine and pass upon a claim; and will its decision be final and binding upon the Government?

Mr. HOWELL. At the present time each department has the power and authority to determine tort claims not exceeding a thousand dollars in amount and to pay them out of their own appropriations. This bill proposes that these departments shall get together all the evidence and present the evidence to the General Accounting Office, and then the General Accounting Office may make the settlements.

Mr. NORRIS. The effect of that is to make the practice uniform.

Mr. SHORTRIDGE. Is there a limit as to the amount?

Mr. HOWELL. A thousand dollars.

Mr. SHORTRIDGE. It is limited to that?

Mr. HOWELL. Just the same limit as is now imposed upon the departments.

Mr. SHORTRIDGE. That is to say, a claim for \$2,000 will not be entertained?

Mr. HOWELL. It will not be entertained, except in a case such as I will cite. I am about to come to a discussion of claims of more than \$1,000.

Mr. SHORTRIDGE. Arising out of tort?

Mr. HOWELL. Arising out of tort, affecting property. Where the claim is for more than \$1,000 and not in excess of \$50,000—

Mr. SHIPSTEAD. Mr. President, before the Senator gets to that, will he yield?

Mr. HOWELL. I yield.

Mr. SHIPSTEAD. In this method of settlement, will there be any opportunity for the claimant and the representatives of the department to meet before the case goes to the comptroller?

Mr. HOWELL. The claimant can present all of his evidence to the department, and he can gain from the department what its attitude is.

Mr. SHIPSTEAD. Can he gain from the department information as to what the decision of the department is, so that he can answer what he may consider a misstatement of fact?

Mr. HOWELL. The department does not conclude anything. All the department does is to present the facts to the General Accounting Office, and then the claimant can go to the General Accounting Office and present any evidence he sees fit.

Mr. SHIPSTEAD. In addition?

Mr. HOWELL. In addition.

Mr. SHIPSTEAD. He will have the right to see the argument of the representatives of the department, so that he can answer it if he thinks it is wrong in the statement of facts?

Mr. HOWELL. There is no provision of that kind in the bill.

Mr. SHIPSTEAD. Does not the Senator think that there should be such a provision in the bill?

Mr. HOWELL. So far as the bill is concerned now, it does not give the General Accounting Office any more power or authority than the departments have, and it gives it the same authority the departments have; in other words, we follow the law of 1922 exactly up to the point where the settlement is made, and then the settlement is made by the General Accounting Office. That is the change from the law of 1922, and there is no other change of any kind or character.

Mr. SHIPSTEAD. What I am trying to get at is this, Is this arrangement for settlement a paper settlement, or is there an opportunity for the claimant and the representatives of the department to meet?

Mr. HOWELL. There is every opportunity for the claimant and the department to meet, just exactly as they meet now.

Mr. SHIPSTEAD. I understand that as they meet now it is unsatisfactory.

Mr. HOWELL. It is unsatisfactory in this, that one department makes one kind of a settlement in connection with a particular claim, and in connection with a similar claim another department could adopt different principles in making the settlement.

Mr. SHIPSTEAD. I understand that.

Mr. HOWELL. But at the present time there is no objection, so far as I know, to this method of settlement by the departments, except that the departments themselves feel that these settlements are not similar in the various cases, and that they ought to be made similar. In order that Senators may realize that fact I desire to read from a letter written by the Secretary of War. He said:

It has recently come to my attention that there is a lack of uniformity in the various departments of the Government with respect to the payment of claims, particularly those arising under the act of December 28, 1922.

That is the act about which I have been talking. He proposes in this letter that there shall be cooperation between the departments, a sort of an interdepartmental committee appointed to arrive at some general principles for the settlement of claims.

When this matter was called to the attention of the General Accounting Office the General Accounting Office replied that this is exactly what was being attempted in a bill pending before Congress, which was passed by Congress, but pocket-vetoed. That is why I am here on the floor now trying to provide for the uniform settlement of claims, granting no more power to the General Accounting Office than the departments have now; and covering the same kind of claims up to this point. We do provide this, which is not provided in the law of 1922, that if anyone is dissatisfied, he can appeal to the Court of Claims as on certiorari. It certainly is an advance over the method in vogue at the present time.

Mr. President, I shall now talk about tort claims, in relation to property, exceeding a thousand dollars and up to \$50,000. In the cases of such tort claims the evidence is collected by the departments just exactly the same, and is then presented to the General Accounting Office; the General Accounting Office then arrives at a settlement. If the claimant is not satisfied, he has a right to appeal to the Court of Claims as on certiorari, but if he does not appeal, then the claim comes to Congress for payment.

There is no authority whatever given the General Accounting Office to pay a claim of that character. It comes to Congress for appropriation and payment and Congress can take whatever action it sees fit. But there is an orderly method provided for the taking of evidence in these claims so that they do not come before committees on ex parte evidence, which is exactly what is going on here constantly at the present time.

There is another thing for which the bill provides, and that is the settlement of tort claims involving injury or death of individuals. At the present time those claims come before the committees of Congress upon ex parte evidence, which in many cases no court would consider. When I first became a member of the Committee on Claims, inasmuch as I had had some 10 years' experience in the settlement of claims, I called the attention of the members of the committee to the fact that there ought to be a method provided to take testimony in the cases; that certainly no member of the committee had the time to collect the evidence; that the chairman could not collect the evidence.

Mr. President, there are 1,100 bills before the Claims Committee which have been introduced in this Congress, and probably the number will be 1,300 before we get through. I say to the Senate that the method used in the settlement of claims is 100 years behind the times. What can this committee know about a tort claim which involves personal injury and death? We are there very much like an insur-

ance company, but with none of the facilities of the insurance company. A man is injured out in California. How do we get information as to the facts in the case? We have no physician in San Francisco to whom we can appeal and ask to go and examine the injured party. We find that affidavits are presented which on their very face do not coincide with other facts in the claims presented. But how are we to weed out and determine which are correct? Certainly, the chairman of that committee has not the time to do it. If he did that, he would do nothing else, and he would have to work 365 days in the year unless we had given to him adequate assistance.

It is time that Congress did something to end this practice. Claims come before the committee that would have no standing whatever in court. They are submitted upon hearsay testimony, upon evidence that is far from the best evidence, and many times the claims are passed by Congress. It is plain at least that we should provide for a method of investigation of claims, collating the evidence, and presenting it in the manner in which it might be received in the courts.

The bill provides that in the case of personal injuries or death the claimants shall file their claims with the Compensation Commission, which has been set up by the Government and which has the machinery to investigate claims of personal injury and death; that they shall file all their evidence before the commission and shall be heard by the commission, or that representatives of the claimants may be heard by the commission. After the commission has collated the evidence, the evidence is then transmitted to the General Accounting Office. The General Accounting Office then audits such claims and the claims come to Congress for appropriation and payment.

Mr. TYDINGS. Mr. President—

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

Mr. HOWELL. I yield.

Mr. TYDINGS. In a case where there would not be jurisdiction normally taken by the Compensation Commission, such as where a military airplane falls into a field upon a farmer who is plowing his ground and kills him, where would the claimant take such a claim under the Senator's bill?

Mr. HOWELL. To the Compensation Commission.

Mr. TYDINGS. There is no compensation involved in it. The man was not a Government employee.

Mr. HOWELL. That simply involves cases of tort. Suppose a man working in a field is killed as a result of the falling of one of our military airplanes. I think it must be agreed that the family is entitled to something.

Mr. TYDINGS. Legally it might be that they could not recover in a court of law because there has been no negligence. If there is no legal liability, what would be done with such a claim in its presentation to the Compensation Commission?

Mr. HOWELL. If Congress did not see fit to grant a claim of that sort, it would not be granted, because every claim comes before Congress and must be passed on by Congress.

Mr. TYDINGS. I am not taking issue with the Senator, but the point I make is that the relatives of the deceased, his widow and children, would probably be here five or six years before they would get the claim through under the present procedure.

What I am hoping is that the Senator provides for the setting up of some machinery to expedite these matters where simple justice shall be done and that the commission will not only take in and consider strictly legal cases, but be broad enough to be a fact-finding body for all these claims, so that Congress may have a recommendation before it as to whether there is justice in the claim or not.

Mr. HOWELL. As a matter of fact, that is exactly what the Compensation Commission would be in such cases, a fact-finding commission. It is peculiarly equipped to find the particular facts. At the present time, if a case of that kind comes before Congress, I think the Senator is aware

that it comes before Congress in the most incomplete manner.

Mr. TYDINGS. May I also state to the Senator that he is no doubt familiar with a bill which I introduced as soon as I came to the Senate, known as the Aberdeen Proving Ground bill. Legally I doubt if the claimants have any case at all in court. The Government told them it would be responsible for certain acts it performed. They accepted the Government's word. I then introduced the bill simply to refer the facts to the Court of Claims in order that we might find out whether or not those people had any amount of money still owing to them. When the bill came up on the floor of the Senate it was so amended that it is of little value if it goes to the Court of Claims. In that case the Senate said:

Notwithstanding the Federal Government, exercising its right of eminent domain and its right of confiscation in time of war, has taken property for which it has not made compensation, legally those men could not maintain their case at bar and therefore we will not give them the money, even though we promised we would in 1918 when we took their property.

It seems to me the Senator's bill ought to be broad enough so that claims to be considered are not confined to purely tort or legal limitations, but that where there is enough injustice done by the Federal Government to make any claims worthy of compensation then the claimant ought to get it, law or no law. I do not think the Federal Government should hide behind legal technicalities where it is more or less bound to maintain its side of the controversy.

Mr. HOWELL. The bill is broad enough to cover every kind of claim. The claimant will have to come and present his evidence. After he has presented his evidence it will be passed on to the General Accounting Office. Any additional evidence that may be available to the General Accounting Office that was not available before will be included. Recommendations will then be made to Congress, and Congress will have the final determination as to what shall be done.

Mr. President, I have covered the three classes of claims covered by the bill. The first class is that form of tort involving property where the amount does not exceed \$1,000. The second class are tort claims exceeding \$1,000 but not exceeding \$50,000. The third class are tort claims involving personal injury and death. All except the first class of claims, those involving not more than \$1,000 and involving property owners, must come to Congress for final disposition; but they come to Congress with a full record or at least with a record such as we have not been receiving and do not receive at the present time in connection with claim bills. Certainly Congress ought to allow its committees to utilize the present facilities of Government for the collection of evidence in connection with claims against the Government which it is the duty of those committees to consider and dispose of.

Mr. President, there are certain classes of claims which are eliminated from the bill entirely in connection with torts involving property, such as any claim arising out of the loss or miscarriage or negligent transmission of postal matter; any claim arising in respect of the assessment or collection of any tax or customs duties; any claim relating to loss, damage, or destruction of the property of officers and enlisted men in the naval service, Marine Corps, Coast Guard, or Nurse Corps; any claim arising out of conveyance, transfer, assignment, or delivery of money or other property, or out of the payment to or seizure by the President or Alien Property Custodian of money or other property or in the administration of the provisions of the trading with the enemy act; any claim arising out of the administration of the quarantine laws except the laws administered by the Public Health Service of the Treasury Department; any claim arising out of the activities of the Government, its agents and employees, relating to flood control; any claim arising out of the activities of the Government, its agents and employees, relative to river and harbor work.

There is nothing in the bill that is particularly new. It simply provides for the collating of evidence and for the uniform settlement of such claims as are now authorized to be settled by the independent departments of the Govern-

ment. But when we come to those claims involving personal injury and death, where there is now no method whatever for settlement except by reference to Congress, we merely provide for the collating of the evidence, its audit, and its submission to Congress for Congress to determine whether or not the recommendation shall be followed or whether some other course shall be determined upon in the settlement of a particular claim.

In the case of tort claims involving personal injury and death there are also exceptions. Any claim provided for in the Federal employees' compensation act we do not attempt to duplicate, nor any claim for injury or death incurred in line of duty by military or naval forces where relief is provided for otherwise.

As I have stated, there is no claim for injury or death in excess of \$7,500 that is included in the bill or that can be settled under the terms of the bill. There is also a provision in the case of death that hospital services, where the Government is liable, are to be paid, and there is an allowance for funeral benefit of not to exceed \$200.

There is no question about the merits of the bill. It is no great departure. It simply provides for efficiency in the settlement of tort claims. We now have claims coming before the committee accompanied by practically no evidence that would be received in any court.

Under this bill the evidence to be presented would be of a character that would be received in court. Claimants would be enabled to make out their cases in proper form and to offer their proof in such manner that it could be understood. At the present time, however, evidence submitted to committees of the House and of the Senate—I assume it is so in the House—is often of a character that is contradictory; in a form that means nothing but the turning down of the case, because certainly claims should not be paid by Congress where there is no adequate proof.

Mr. President, there is now no general law providing for the adjustment of tort claims against the United States by either General Accounting Office, administrative officers, or the courts. The consequence is that the Claims Committees of Congress are burdened with numerous private bills for the payment of tort damages caused by acts of omission or commission of officers of the United States, and a considerable part of the time of Congress is consumed in the consideration of such of the bills as are favorably reported by the respective committees. The burden on Congress and the injustice to claimants have become so great that provision should be made for the utilization by Congress of the assistance of the established machinery of the Accounting Office and of the judicial branch of the Government for the settlement of tort claims in the same manner as provision has been made for such utilization in the settlement of contract claims against the United States.

The act of February 24, 1855, establishing the Court of Claims, limited suits therein to claims "founded upon any law of Congress, or upon any regulations of an executive department, or upon any contract, express or implied, with the Government." The act of March 3, 1887, slightly extended the jurisdiction of the Court of Claims by adding claims "for damages, liquidated or unliquidated, in cases not sounding in tort." These statutes were carried forward into the Judicial Code of March 3, 1911. However, there have been enacted from time to time many special statutes conferring jurisdiction on district courts to hear and determine particular claims sounding in tort against the Government, and there is a general statute which authorizes the Court of Claims to hear claims for the tortious acts of the Government in the infringement of patents. That is provided for now.

In taking over the railroads and collateral services and in establishing a Shipping Board for the merchant ships, the Government placed itself in the position of a private operator. That is, it submitted itself to tort liability in connection therewith.

There have also been enacted from time to time numerous private bills for the payment of damages to persons or property because of tortious acts of employees or other agents of

the United States. In addition to these private acts the Federal workmen's compensation act of September 7, 1916, has been enacted providing compensation for the disability or death of an employee "resulting from a personal injury sustained while in the performance of his duty," and Congress provided in the act of July 11, 1919, for compensation for damage to property by Army aircraft, and by the act of December 28, 1922, provision was made for the satisfaction by the heads of the executive departments or independent establishments of the Government of certain claims for damage to or loss of private property not in excess of \$1,000 "caused by negligence of any officer or employee of the Government acting within the scope of his employment." An act of the same date gave the Secretary of the Navy authority to settle maritime collision claims up to \$3,000.

In other words, it may be said that Congress has recognized the general liability of the Government within maximum amounts for the negligence of officers and employees of the United States, but the machinery for determining that liability is defective and results in overburdening the Claims Committees of Congress and Congress itself with the consideration of tort liability claims and with injuries to the claimants without adequate evidence, or with evidence of such a character in many instances that no insurance company would entertain it for a moment. Claims come before the committee that are 10 years old. The evidence is purely hearsay. It is said the claimant did receive an injury at that time but that he did not make a report of it because he did not know about the matter; and yet, in some of those cases it will be found where such evidence is presented that the claimant had received benefits from the compensation act at the time of the accident upon which the compensation is sought years after its occurrence.

It is time we had some regular, orderly manner of collating evidence so that claimants could be assured that the character of evidence they were presenting was of such a character that it could be seriously considered by Congress. But oftentimes a committee says, "Well, it is too bad; this man evidently has suffered, and it does look as if there might be something in his case"; and sometimes such claims are presented and acted upon favorably here on the floor of the Senate.

Public business can not be done under methods any different from those employed by private business unless we are willing to forego in the conduct of Government business the efficiency which characterizes private business. One of the main causes of inefficiency in government to-day is the fact that we will do things in the name of the Government of the United States, even when a purely business proposition is involved, that no private business institution would do under any circumstances. When the Government undertakes business or anything approaching business, it must adopt the same methods as are pursued by private business or failure is absolutely certain to follow.

The Alaska Railway is an example of that sort of thing. We entered upon the construction of that railway without, in my opinion, knowing what the facts were. One end of the Alaska Railway was at the Tanana River, a branch of the Yukon; the other end was on the Alaskan Gulf; and although building the railroad from the Tanana River south required the shipment of freight over the White Pass Railroad down the Yukon River, nearly to its mouth, and then up the Tanana River to the point where the railroad was to end, part of that railroad was built in that manner, and \$80 a ton was paid for freight on the rails and ties, for instance, and other supplies to the point on the Tanana River where that construction was started. The record of the construction of that railway, I think, is certainly a blot upon the Interior Department. Why they did it I can not imagine. How can the Government expect to succeed in railroad building or anything else when such methods are pursued? I can only surmise why it was done. Those behind the undertaking were probably afraid that if they did not get that railroad constructed quickly it would not be built at all, and so they began at both ends—on the Alaskan Gulf and on the Tanana River.

Mr. President, it is methods of that kind that cast upon the attempts of Congress in various undertakings in this country a question mark as to efficiency. How many times do you think, Mr. President, such things have occurred? I stood on the floor of Congress here when we passed a bill authorizing the loaning of money to shipping concerns at the lowest rate at which the Government was issuing its securities.

I urged on the floor of the Senate that the minimum should be fixed at 4 per cent, but that was denied, and to-day the Government is loaning to shipping concerns, as a bonus, money for 1½ per cent for 20 years. Suppose I came here and asked that the Nebraska farmer be treated upon that basis; what would be said? Yet there is a bill here on the calendar—and the Senate will not pass it—to correct that situation. Let me say furthermore that it is not a bill introduced by me, but it is now on the calendar, and makes provision that the shipping concerns shall not be able to get the money for less than 2 per cent from the Government. However, that bill has been objected to every time it has come up here for consideration. There are those who want the shipping companies to secure the money from the Government at 1 per cent, if possible. What can we expect when methods of that character are pursued by the Government? There can be only one result.

Mr. President, that has been the trouble with our whole shipping program. Imagine a man going into business, any line of business in this city, and running his business so as not to interfere with his competitors. Just imagine him running his business so that whenever his competitor complained he would immediately withdraw. In the case of the shipping business the only reason complaint was made by private companies was that the Government vessels were getting some of the competitors' business. How could you expect, Mr. President, any commercial concern running a business on such a basis to succeed? You would hardly expect a small boy without any knowledge of business to attempt to conduct a popcorn stand on any such basis. Yet that is exactly what we have done in the shipping business. We have attempted to run a commercial business without injuring our competitors.

Mr. President, I put that question to the manager of the Shipping Board and asked him if that was not the trouble with our shipping enterprise. His reply was, "Why, HOWELL, it is worse than that; we are attempting to conduct a commercial business by aiding our competitors." Yet we will sit here and allow that kind of thing to go on and the people's money to be expended and wasted, and then we will add on top of such a mountain of unwisdom a provision to loan shipping concerns money for 1½ per cent for 20 years; and, in my opinion, they can get it for less than that now, if the Shipping Board will grant them the loans, and I have not a doubt they are after the money right now, because Government securities have been floated recently at a very low rate of interest. Why should we not pass that bill? We ought not to adjourn before we pass a bill of that kind unless we have no regard for the Treasury of the United States.

The farmers in the Middle West are losing their farms to-day because insurance companies will not renew their loans without payment upon principal and because when they do renew loans they want from 1½ to 2 per cent commission; and yet if I came in here with such a proposition as that to relieve the farmers of the Middle West, what would be said? Would there be any chance to aid the farmer? I imagine there would not be, but the shipbuilding industries, great corporations in New York, can get money from the Government on such terms.

If an individual or corporation wants money out of the Treasury of the United States, all that is necessary is to have sufficient influence. That is our record. It is an outrage upon the people of this country. I must say that when I first came to Congress I was amazed at the ease with which the Treasury could be raided.

The only way anyone can conduct business with success is to run the business for blood; to watch over it whether

asleep or awake; to grasp every opportunity. That is the only way to make a success in business; but the Government of the United States will not do that sort of thing and Congress will not insist upon it being done in that way. The consequence is failure after failure, but not because it is inherently necessary, for there are instances in this country of public affairs being run with just the same efficiency and with the same splendid results that private business has achieved. I have been seeking for months to secure the consideration of a bill that might save the Treasury of the United States additional raids—small raids, it may be, small sums—but all I am asking is that the information in reference to these claims shall be collected in a proper manner.

What am I talking about? Efficiency in business, which of course demands consistency. You can not run a business one week with efficiency and then let it go for the next few weeks. It has to be prosecuted day after day, week after week. You can not sleep; and yet we have heard expressions here in this Chamber, we have heard expressions in Congress, we have heard expressions from the executive officers to the effect that we should get Government out of business. But what methods have been attempted to get Government out of business? Scuttle; pay no attention to the losses; just get out—that is all—and yet when 16 financiers in New York City came here and said to Congress, "We have a canal on our hands that is losing money every day and we want to get rid of it," they were able to prevail upon Congress to go into the business of running a canal to relieve them.

Mr. President, I am referring to the notorious Cape Cod Canal bill. We have heard much of it on the floor, but it ought not to be forgotten. The people of this country ought not to forget it. The testimony before the committee was to the effect—and the testimony was given by the Chief of Engineers of the United States, here in Washington—that that canal as a commercial enterprise would pay 6 per cent on \$1,800,000. That was the testimony; but President Coolidge recommended to Congress that we buy it for eleven and a half million dollars.

Do you know of any reason why the people of the United States should pay any more for a canal or any other piece of property than anyone else should pay it? The owners of that canal could not sell it for \$1,800,000, but Congress bought it for \$11,500,000. Why? Because they had the influence and they had the power to put it over.

There were 16 banking concerns in New York City that were interested in that concern, and the Rothschilds, of London; and they got theirs, too. They had built this enterprise purely as a commercial enterprise. They had expected to make money out of it; and if it had paid 10 per cent upon the cost, and the Government had attempted to take it, the cry would have gone up, "Here is another attempt to impose socialism on the people of the United States." But when these millionaires were losing their money and it was found that they were on notes of over five and a half million dollars in one of their trust companies in New York, and if they did not sell this canal to the United States they would have to pay those notes, they came down here and put this thing over. I do not know how true it was, but a Senator of the United States who has been here in the Senate for a long time, and is not here now, told me that he had learned or heard, and it was after the deal was put over, that the lobbyists got two millions out of that \$11,500,000.

That is what has been going on; and the story is not ended. It has just begun; and at a later date I expect to stand on the floor of the Senate and tell the Senate what is the trouble with the Alaska Railway and their methods, and the methods of the Interior Department in conducting that business.

Mr. President, there is no reason on earth why there should not be efficiency in public affairs. When there is not efficiency it is because there is not the will to impose or to insist upon efficiency, because efficiency in public affairs is profitable just the same as in private affairs. All that is necessary is the will; but when public officials will not enforce the law, when public officials will overlook the pri-

mordial principle of successful business and impose other methods, and when such officials will not reverse their position when they find what it means, we shall have just such results as are going on; and it is certainly a pity that such is the case, because it destroys opportunities that this Government might embrace for the welfare of our people that are so great that to relate them would hardly be believed.

The possibilities of cooperation are so great, even among two or three persons—the possibilities of cooperation are so great when you increase the number—and when the number reaches the population of the United States, with all its resources, the possibilities of cooperation for the benefit of all the people are so great that they are almost immeasurable.

The distinguished Senator from Utah knows what cooperation means. All that is necessary is to have the will to carry out such cooperation; and yet down at Muscle Shoals we see a case where we have not the will even to try to make that enterprise a benefit and an example of tremendous influence in this country. For 10 years we have been trying to accomplish that, and the people's money has been spent; and now I understand some people want to talk about Government operation of Muscle Shoals without the authority to build our transmission lines from Muscle Shoals. We might as well talk about starting an insurance company and then have a provision in the by-laws that the insurance company shall not be allowed to expend any money whatever or solicit business in any way. How much business do you think insurance companies would do in such a case?

All I have been trying to do here for months is to get consideration by the Senate of a bill to provide efficiency in the settlement of claims, and I can not get a hearing before the Senate. We must muddle along. I have not wanted to talk out of my time. I have not wanted to make remarks that were not addressed to the subject before the Senate, but there seems to be no other way. It seems impossible to get a hearing on any other subject; and if that is the case, I am perfectly willing to cease my past tactics of trying to confine myself to the subject that is before the Senate. If it is necessary to come before the Senate and take up the time, when it is considering other measures, to call its attention to business that ought to receive its attention, all well and good; I shall not hesitate to do so.

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

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Fletcher	Kendrick	Shipstead
Barkley	Frazier	King	Shortridge
Black	George	La Follette	Simmons
Blaine	Gillett	McGill	Smith
Blease	Glass	McKellar	Smoot
Borah	Glenn	McMaster	Steiner
Bratton	Goff	McNary	Stephens
Brock	Goldsborough	Morrison	Swanson
Brookhart	Gould	Moses	Thomas, Idaho
Broussard	Hale	Norbeck	Thomas, Okla.
Bulkeley	Harris	Norris	Townsend
Capper	Harrison	Nye	Trammell
Caraway	Hastings	Oddie	Tydings
Carey	Hatfield	Patterson	Vandenberg
Connally	Hawes	Phipps	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Hebert	Ransdell	Walsh, Mont.
Cutting	Heflin	Reed	Watson
Dale	Howell	Robinson, Ark.	Wheeler
Davis	Johnson	Robinson, Ind.	Williamson
Dill	Jones	Schall	
Fess	Kean	Sheppard	

Mr. MOSES. I wish to announce the absence of my colleague the junior Senator from New Hampshire [Mr. KEYES] on account of a death in his family, and will ask that this announcement may stand for the day.

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

Mr. HOWELL. Mr. President, continuing the discussion of the tort bill, I call attention to the fact that Congress has recognized the general liability of the Government within maximum amounts for the negligence of officers and employees of the United States, but the machinery for determining that liability is defective and results in overburdening the Claims Committees of Congress and Congress itself with the consideration of tort liability claims. This

proposed legislation is designed to relieve the situation by utilizing the machinery of the Accounting Office and judicial branches of the Government in the assistance of Congress.

The claims departments of the great casualty insurance companies have their representatives in every part of the United States. They not merely have agents who gather the evidence but they make provision for physicians and surgeons to represent them, and they make provision under conditions which render the cost a minimum.

Machinery similar to the very expensive machinery developed by the great casualty companies has been largely developed by the United States Compensation Commission located here in Washington. They know to whom they can send in every part of the country for evidence of a particular character, and they have representatives of the Government in the various localities who can collect evidence. Therefore in a measure the Government is equipped to-day to handle compensation claims in tort cases about as efficiently as an insurance company can handle similar claims.

The Compensation Commission does handle personal injury and death claims in the cases of employees of the Government, and it is because they do that that they have that machinery; and why should not Congress be the beneficiary of that machinery in connection with the settlement of tort claims? There is no reason whatever why they should not be.

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

Mr. HOWELL. I yield.

Mr. ROBINSON of Arkansas. What additional force probably would be required in the comptroller's office to handle the business contemplated by this bill?

Mr. HOWELL. Mr. President, there would not be any particular increase in the force.

Mr. ROBINSON of Arkansas. Did the committee go into that?

Mr. HOWELL. The comptroller has not made a statement with reference to that, but that was my understanding. I have been interested in this bill for some time, and I have tried to inform myself respecting what the result of its operation would be. The General Accounting Office has a force at hand to settle contract claims.

Mr. ROBINSON of Arkansas. Does the Senator think that no additional employees or officers would be required?

Mr. HOWELL. I do not think any additional officers would be required. I think the present force can perform these services, because the number of claims is not enormous. As I stated this morning, we have about 1,100 bills before the Committee on Claims at this time. The maximum I have known in any year has been about 1,300 bills. Of course, not all those bills are bills of the character contemplated by this bill—probably not more than a third of them—and the various departments of the Government which will handle such claims can easily add this amount of work without increasing their forces, in my opinion. That is all this bill proposes—to give Congress the benefit of this kind of service, with practically no cost to the Government.

Mr. President, the act of December 28, 1922, authorized the payment of claims not exceeding \$1,000 for torts caused by the negligence of any officer or employee of the Government acting within the scope of his employment. It has been suggested to me that the Government should not recognize claims of this kind, or should recognize them only in special cases. I do not agree with any such policy. It seems to me that the Government should respond where its employees are the cause of damage to property or injury or death of individuals just the same as any private corporation should respond.

The former bill passed by the House provided that contributory negligence should operate to diminish the damages recovered in proportion to the amount of negligence attributable to the claimant, increased the \$1,000 limitation to \$5,000, and forced claimants who had been damaged in

their property to the extent of more than \$5,000 to seek their redress in court. That was the former bill, and that provision has been eliminated, as it was considered unnecessary and inadvisable.

The Congress is surrendering no authority or responsibility by virtue of the proposed legislation, because under Article I, section 9, of the Constitution of the United States no money may be drawn from the Treasury without the consent of Congress; and it matters not whether a claim for \$5,000 or more comes to Congress for appropriation through a court or through the proper officer of the Government, because in either event Congress must either approve or disapprove the conclusion reached and, in its discretion, refuse to approve what has been done in appropriating money to pay a claim or judgment.

A claim on account of tort liability should be, of course, determined on the basis of the facts and the law. It will remain the responsibility of Congress to see that such claims are so determined before appropriating money to pay them. The jurisdiction and power should be, and have been, clearly reserved in the Congress to require such a determination before paying a claim, and this whether the claim is in the form of a settlement or in the form of a judgment.

Mr. President, even claims of a thousand dollars on account of property damage can not be paid without an appropriation, but where appropriations have been made for a department for such purposes the claims can be paid up to a thousand dollars, in the case of property damage, without reference to Congress.

TAXES PAID BY NEW YORK STOCK EXCHANGE AND MEMBERS THEREOF (S. DOC. NO. 235)

The VICE PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate Resolution 366, information showing the amount of taxes paid to the Government by the New York Stock Exchange in connection with exchange transactions for the years 1919 to 1930, which, with the accompanying paper, was ordered to lie on the table and to be printed.

EXECUTIVE SESSION

The VICE PRESIDENT. The hour of 2 o'clock having arrived, the Senate, under its order of yesterday, will proceed in executive session to consider the nominations of members of the Federal Power Commission.

Mr. ROBINSON of Arkansas. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

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

Ashurst	Fletcher	Kendrick	Shipstead
Barkley	Frazier	King	Shortridge
Black	George	La Follette	Simmons
Blaine	Gillett	McGill	Smith
Blease	Glass	McKellar	Smoot
Borah	Glenn	McMaster	Steiner
Bratton	Goff	McNary	Stephens
Brock	Goldsborough	Morrison	Swanson
Brookhart	Gould	Moses	Thomas, Idaho
Broussard	Hale	Norbeck	Thomas, Okla.
Bulkeley	Harris	Norris	Townsend
Capper	Harrison	Nye	Trammell
Caraway	Hastings	Oddie	Tydings
Carey	Hatfield	Patterson	Vandenberg
Connally	Hawes	Hippes	Wagner
Copeland	Hayden	Pittman	Walsh, Mass.
Couzens	Hebert	Ransdell	Walsh, Mont.
Cutting	Heflin	Reed	Watson
Dale	Howell	Robinson, Ark.	Wheeler
Davis	Johnson	Robinson, Ind.	Williamson
Dill	Jones	Schall	
Fess	Kean	Sheppard	

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

EXECUTIVE MESSAGES REFERRED

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

REPORTS OF NOMINATIONS

Mr. MOSES, from the Committee on Post Offices and Post Roads, reported favorably sundry post-office nominations.

Mr. HALE, from the Committee on Naval Affairs, reported favorably the nomination of Rear Admiral William V. Pratt to be Chief of Naval Operations in the Department of the Navy, with the rank of admiral, for a term of four years from the 17th day of September, 1930, and also sundry other officers in the Navy.

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

RALPH B. WILLIAMSON

Mr. JONES. Mr. President, I understand that under the order made we are to proceed to the consideration of the nominations for the Federal Power Commission. As I understand it, Mr. Ralph B. Williamson, nominated from my State, is one as to whom there has been no objection at all. I think also there are one or two others to whom there is no objection. I know Mr. Williamson's position and that he has many matters at home which he would like to get looked after and disposed of before he is required to come here. I do not think that those to whom there is no objection should be delayed by reason of objection to others. Under these circumstances, I ask unanimous consent that the nomination of Mr. Williamson may be confirmed. As I understand it, there is no opposition whatever to him.

Mr. ROBINSON of Arkansas. Was the report upon Mr. Williamson unanimous?

Mr. JONES. Yes; it was unanimous.

Mr. NORRIS. Mr. President, it seems to me that request ought to be made with reference to all as to whom there is no objection.

Mr. JONES. The Senator from Wyoming [Mr. KENDRICK] is interested in Mr. Draper. I understand there is no objection whatever to that nomination. I am entirely willing to couple Mr. Draper with my request.

Mr. ROBINSON of Arkansas. No; I suggest that the requests be made separately.

Mr. JONES. I thought that was the proper way. I submit my request with reference to Mr. Williamson.

The VICE PRESIDENT. Is there objection? The Chair hears none. The nomination of Mr. Williamson is confirmed, and the President will be notified.

CLAUDE L. DRAPER

Mr. COUZENS. Mr. President, next in the same category is Mr. Claude L. Draper, of Wyoming, who was reported unanimously by the committee after very extensive hearings.

Mr. ROBINSON of Arkansas. I should like to hear some statement made with reference to the qualifications of the appointee.

Mr. COUZENS. Mr. Draper for many years has been a resident of the State of Wyoming. He is at present serving on the State public utilities commission, if that is the correct title of the commission, charged with the responsibility of regulating the public utilities in the State of Wyoming. He answered all questions and, I think, satisfied the committee of his fitness for the position. He has not been at any time allied with any power industry or in the service of any private power company, nor does he own any stock or securities in any power industry. I think if there is anything further required, the Senator from Wyoming [Mr. KENDRICK] could answer the questions better than I.

Mr. ASHURST. Mr. President, in the inception of the administration of the present incumbent of the White House the Executive adopted an excellent practice of sending to the Senate a list of names of those persons who had recommended his nominees for appointment to various offices.

Mr. ROBINSON of Arkansas. And the documents.

Mr. ASHURST. Yes; and the documents. I wish to ask the senior Senator from Michigan [Mr. COUZENS], the chairman of the Committee on Interstate Commerce, if the President sent to his committee the list of the indorsers of these appointees to the Federal Power Commission?

Mr. COUZENS. He did not.

Mr. ASHURST. Did the committee call for the list?

Mr. COUZENS. No; the committee did not call for the list, but asked the various nominees, as is shown in the testimony, who recommended them. That is set forth in the hearings, a copy of which is on the Senator's desk.

Mr. WATSON. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Indiana?

Mr. ASHURST. Gladly.

Mr. WATSON. I think the custom to which the Senator from Arizona refers applied only to the Department of Justice. I do not think it applied to any other department.

Mr. ASHURST. I have found so little in the present administration to commend that when I do find something which I can commend I am moved promptly to commend it. I wish to commend the Executive for the action he took in the inception of his administration in sending to the Senate a list of the indorsers of appointees, and I am sorry that this practice apparently has been discontinued.

Mr. COUZENS. I do not think it was followed with reference to appointees to the Interstate Commerce Commission or other similar appointees. It only applied to the Judiciary, so far as I know.

Mr. ROBINSON of Arkansas. Can the Senator state the reason for the distinction, or can the Senator from Indiana [Mr. WATSON] do so? Why was the practice made applicable only to appointees under the Department of Justice, if that is the case? I did not know until this moment that it is the case.

Mr. COUZENS. I do not know the reason for any distinction. All I know is that it is not the practice to send the names of indorsers of appointments on any commission, but it has been followed, so far as the judiciary is concerned, as I understand it.

Mr. ASHURST. So far as the practice went and so far as it operated, I think it was a most excellent practice. It seems to me that with reference to the Federal Power Commissioners the practices should have been observed with meticulous correctness unless the administration, when it sent in the list of indorsers of the so-called Parker nomination, fell into such an egregious blunder that it was thought one unhappy experience was enough.

Mr. COUZENS. I am not out of agreement with the Senator at all.

Mr. ASHURST. I believe it is a poor commentary upon events of the day when a practice which was so universally commended is discontinued without reason. I know of nothing in the Hoover régime that was more widely commended, and justly commended, than the practice of sending to the Senate the names of those who were indorsers of men nominated to high public office.

Mr. BLAINE. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Wisconsin?

Mr. ASHURST. Certainly.

Mr. BLAINE. For the sake of full information and in order that we may have full information on this matter, permit me to suggest to the Senator from Michigan that the practice to which the Senator from Arizona has referred was applied to other departments than the Department of Justice. I recall very distinctly that when the present administration appointed two members to fill vacancies in the office of Commissioners for the District of Columbia, full information was given to the Committee on the District of Columbia, including the names of indorsers.

Mr. KENDRICK. Mr. President—

The VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Wyoming?

Mr. ASHURST. I yield.

Mr. KENDRICK. In connection with the nomination of Mr. Draper I desire to say, for the information of the Senate, that he is a native son of Wyoming. It has been my privilege to know him personally for a period of 30 years. During that time I have neither known nor heard anything detrimental to his record, either as a private citizen or a public official. It is possible that Mr. Draper may not be known nationally, but he is very widely and favorably known west of the Missouri River. He has been engaged in various activities, one of which was ranching, and from this line of endeavor he was called by my present colleague, Mr. CAREY, to serve as a member of our State public utilities commission. This commission performs a dual service, first as a

utilities commission, also its members render service as a board of tax equalization.

Very soon after his appointment Mr. Draper was chosen as chairman of both commissions. It is a significant fact that in such capacity he served through the administration of 4 different governors, 2 of whom were Republicans and 2 of whom were Democrats.

In the performance of these duties Mr. Draper rendered unusual service to the producers of livestock and other agricultural products by securing reduced freight rates in the shipment of their products to market. During all his years of service on the two commissions named I have heard no word of criticism from the people of Wyoming as to his energy, his efficiency, his honesty, or his steadfast devotion to duty.

Mr. ASHURST. Mr. President, if I had ever entertained any intention of opposing the nominee, Mr. Draper, which intention I never harbored, the speech and the assurance of the distinguished Senator from Wyoming would be all sufficient for me. I gladly and promptly accept as reliable all that he has said, because there is in this Chamber no saner mind, as there is no character more highly respected in all the Senate, than that of the senior Senator from Wyoming.

I have said but little about power—hydroelectric energy—although in the northern and northwestern part of my State there are four millions or more of potential horsepower of hydroelectric energy in the Colorado River. I shall not take the time to point out, for such is not now necessary, the value—not only immediately but in the future—to the people and to the Nation of such a vast quantity of potential horsepower. As I look at this matter, in confirming these nominees to a place upon the Federal Power Commission, we are investing them with an authority as important, yea more important, possibly, than that possessed by the Tariff Commission or the Federal Trade Commission; in fact, the position of Federal Power Commissioner is almost as important as a place upon the bench of the Supreme Court of the United States. I am sorry that we do not have more information concerning these appointees. I probably have been introduced to Mr. Draper; I probably have been introduced, in the course of my travels, to some of the nominees. I happen to have known Mr. George Otis Smith for many years. I regret that the Interstate Commerce Committee did not ask the Executive for the list of indorsers.

Mr. CAREY. Mr. President—

THE VICE PRESIDENT. Does the Senator from Arizona yield to the junior Senator from Wyoming?

Mr. ASHURST. I yield to the Senator from Wyoming.

Mr. CAREY. I think, perhaps, it might be enlightening to the Senator from Arizona for me to say that Mr. Draper was a candidate for appointment to the Interstate Commerce Commission. He came to Washington and met the President. The President did not appoint him to the Interstate Commerce Commission, but afterwards, without the solicitation on the part of anyone from Wyoming, the President offered to him an appointment on the Federal Power Commission. I feel this was because Mr. Draper made such a favorable impression upon the President that he offered him this appointment. I do not believe he had any indorsers for the Federal Power Commission, although he had numerous indorsements for the Interstate Commerce Commission.

Mr. BARKLEY. Mr. President—

THE VICE PRESIDENT. Does the Senator from Arizona yield to the Senator from Kentucky?

Mr. ASHURST. I yield to the Senator from Kentucky.

Mr. BARKLEY. I merely wish to say that Mr. Draper appeared before the committee and was examined at some length touching his past occupation and his familiarity with questions relating to power and public utilities. He impressed me as being one of the most frank and most sincere men who have appeared before our committee for examination as a result of any appointment with which I have recently come in contact. He seemed in no way disposed to conceal anything from the committee; he disclosed

familiarity with the general subject in a way which was enlightening; and he made upon me at least, as a member of the committee, a very favorable impression not only as to his ability but his character and his candor in dealing with the problems with which the commission will be called upon to deal.

Mr. ASHURST. Mr. President, I am sure that I do not take my duty here any more seriously than any other Senator takes his, but I am in doubt if Senators generally appreciate the vast importance and the power that this commission will have.

I shall not weary the Senate with any discussion of the Colorado River, but let us consider for a moment at what has happened. For the past 10 or 15 years applications have been made through the Secretary of the Interior, and subsequently through the Power Commission, for permits and licenses to generate hydroelectric energy on the Colorado River. Some permits have been granted, and at least one permit has been, to use the phrase of the power law, transmuted into a license. Very recently there was issued an order that all applications for permits and all applications for licenses would be canceled willy nilly, in many cases without a hearing. Possibly some of the preliminary permits ought to be canceled, I can not say, and possibly the applicants and licensee ought to have had a hearing.

I merely point that out to show to Senators the vast influence and authority this Power Commission will possess and to indicate that we ought to use extreme care in confirming such nominees. I have no doubt that the Interstate Commerce Committee, under the chairmanship of the senior Senator from Michigan [Mr. COUZENS], has used such care, but it would have been more satisfying, it would have been more enlightening to us, if the Executive had continued the practice which he inaugurated in the early part of his administration of sending to the Senate the names and addresses of those who made the recommendations for the nominations. That is all I care to say.

Mr. WHEELER. Mr. President, I do not rise at this time for the purpose of objecting to Mr. Draper, but I do want to say that I agree with what the Senator from Arizona [Mr. ASHURST] has said with reference to the importance of the Power Commission. As a member of the Interstate Commerce Committee of the Senate, I, with other members of that committee, have given much study and time to the consideration of questions concerning power and the controversy which has been going on in the Power Commission. I think every member of the committee felt that when a new Power Commission was appointed there should be named five men who are outstanding characters in America, men who have given some time and thought to the subject matter with which they would have to deal, namely, power.

During the last campaign, when Mr. Hoover was a candidate for President, our Republican opponents constantly said, "If you elect Mr. Hoover, this great engineer, you can be assured that he will pick out men to administer these different offices who will be outstanding men along their particular lines." I am sure it must have been a disappointment to every member of the Interstate Commerce Committee when they read the five names that he sent in for the Power Commission. The truth about it is, I must say, that there is not an outstanding character in the whole five.

Here is Mr. Draper, who is not an outstanding character. While I admire my friend from Wyoming and while I have no doubt that Mr. Draper has been a mediocre member of the public utilities commission of that State, comparable, if you please, to men on public-service commissions in other States, I must concede that I never heard of him, living as I do in the next State to him, in Montana. Likewise, I do not see how he could have impressed any member of the committee with being an outstanding character; nor did any of the other members of the commission impress the committee, or impress many of the members of the committee, with being outstanding characters.

It was said during the campaign, "If you elect Mr. Smith President of the United States, he will pick out only mediocre men"; and now we find the great engineer, President

Hoover, sending in the names of men of most mediocre character to serve upon one of the greatest commissions created by the Congress of the United States. You can go down the list and analyze the record of each and every one of these men, and you will find that that is the case.

The first man, the chairman of the commission, George Otis Smith, has not had any particular experience for the position to which he is appointed. It is true that he probably knows more about water power than most of the men who were appointed upon the commission; but when he was asked as to his views upon certain questions it seemed to me that his answers were most evasive, and he was unwilling to commit himself upon any question that was asked him by the committee. The only thing we could find that he did was to write six open letters and send them to the governor or some other public servant in the State of Maine. He wrote six articles opposing the enactment or for the repeal of a law that the people favored and that the Power Trust was against. In other words, in the contest that was being waged in the State of Maine he took the side of the Power Trust as opposed to the people up in that State. That is the only case we could find where he had ever taken a definite stand upon any subject connected with the power situation since it has been before the people of the country.

Then we have Mr. Williamson. Mr. Williamson, if you please, is a lawyer who had been representing some of the irrigation projects in the State of Washington—not an outstanding character at all; not a man who had made any particular study of the power question.

Then we have Mr. Garsaud, from Louisiana, who owed his first appointment on some board down there to the representative of the Power Trust in that State, to the president of the public service commission, which in turn was controlled by the Electric Bond & Share Co.

Mr. Draper, as I said a moment ago, certainly was not an outstanding character, either in the West or in any other place; and I never heard of him until his name came before the committee.

Then we have Mr. McNinch. I am frank to say that when I went before the committee to hear Mr. McNinch testify I was prejudiced against him; but I was impressed with the frankness and the honesty of his statement. While apparently he knows nothing about power, and frankly said so, I was impressed with the fact that he is probably the strongest character of all of the five that have been named upon the commission.

So that is the new Power Commission that we are going to have to deal with this great subject that is so controversial and in which the people of the United States are so much interested!

We asked Mr. Smith whether he would vote to keep Mr. Bonner, the present secretary of the Power Commission. Mr. Smith stated that he would not answer that question; and no one knows to-day whether or not he is going to keep Mr. Bonner as secretary of the commission, or what he is going to do, notwithstanding the fact, let me say, that I think it was almost the unanimous opinion of the Committee on Interstate Commerce, after hearing Bonner testify in some cases, that his mind was so prejudiced in favor of the power interests and against the people of the United States that they felt he should not be retained.

I think it is a sad commentary on the situation that exists when we see the President of the United States so ignoring the wishes of the Congress in wanting to see appointed a commission of outstanding men who would know something about the questions involved, and who would be anxious to see that the public interests were correctly represented.

Mr. KING. Mr. President, I desire to ask the Senator a question. Did the committee to whom these names were referred make any inquiry as to whether either of these individuals would support the rights of the States in such cases as that of New York recently, where the State desired to utilize the power rather than have the Federal Government take over the control of the power which rightfully

belonged to the State? The Senator knows that that is a most important question.

Mr. WHEELER. That question, as I recall, was asked Mr. Smith by the Senator from New York [Mr. WAGNER]. I do not see the Senator from New York here. Mr. Smith first said, as I recall his testimony—and I am compelled to state it from my recollection, because I have not read the report, and can not read it at the present time—as I recall, he said that where there was a conflict as between a private concern applying for a permit on the one hand and a municipality upon the other, he would put the burden of proof upon the municipality as against the private corporation; and it was only after we called his attention to the law, and called his attention to the fact that in our opinion the law gave preference to the municipalities, that he finally said, well, if that was in the law, or in substance, he would follow the law; and I cite that as an example of the bent of the man's mind. His whole bent seemed to me to be on the side of private corporations running a power project, and the great corporations of the country running it, rather than some municipality, if the municipality saw fit. My recollection of his testimony—and I may be wrong about that—my recollection of his answer to Senator WAGNER is that it was extremely vague and indefinite. But, as I say, I think the Senator from Washington [Mr. DILL] will call the attention of the Senate to that. I have not been able to read it on account of the condition of my eyes at the present time.

Mr. MCKELLAR. Mr. President, will the Senator yield? Mr. WHEELER. I shall be glad to yield.

Mr. MCKELLAR. I notice on page 138 of the hearings a letter from a man by the name of John Bowman, who uses this language in reference to Mr. Draper:

The question as to whether Mr. Draper is fitted by education, training, experience, and fundamental ability to occupy a \$12,000 position with the Government and to be intrusted with the responsibility which will be placed with this particular commission should be thoroughly gone into by those Senators who have only the ultimate benefit of all of the people at heart.

Mr. WHEELER. That is the first time that letter has ever been called to my attention.

Mr. MCKELLAR. The Senator does not know Mr. Bowman?

Mr. WHEELER. I do not.

Mr. MCKELLAR. I do not know who Mr. Bowman is, of course. I have no idea.

Mr. WHEELER. Where is he from?

Mr. MCKELLAR. I imagine he must be from Wyoming, judging from the date line of the letter. Would the Senator from Wyoming mind telling us about that?

Mr. KENDRICK. Mr. President, I have no recollection of Mr. Bowman, and can not say what might have inspired him in writing the letter.

Mr. MCKELLAR. Perhaps the junior Senator from Wyoming can answer the question.

Mr. CAREY. Mr. President—

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

Mr. WHEELER. I yield.

Mr. CAREY. I am a native of Cheyenne. I have lived in Wyoming all my life, and I believe I know as many people in Wyoming as anyone. I never have heard of anyone in Cheyenne by the name of John Bowman. I have looked both in the directory and in the telephone book, and I think that letter was written by some one to hurt Mr. Draper, and that "John Bowman" is a fictitious name. That is my opinion about that letter.

Mr. MCKELLAR. Then the Senator is of the opinion that Mr. Draper is fitted by education, training, experience, and fundamental ability for this job?

Mr. CAREY. I will say to the Senator that I, as Governor of Wyoming, brought about the creation of a State board of utilities, and also a State board of equalization. The legislature would not create two separate boards, but made the same men members of both boards. I appointed Mr. Draper to both those boards, and he was elected chairman.

The Senator from Montana spoke a minute ago about Mr. Draper not being an outstanding man. I should like to say that since the creation of these boards for the first time we have had regulation of railroads and utilities in Wyoming, and also we have had equalization of taxes.

As the senior Senator from Wyoming, my colleague, has stated, Mr. Draper has served under four governors—two Republican and two Democratic governors. He has made a very fine record. The reason, perhaps, why he has not done more is because the Legislature of Wyoming has not supplied the boards of which Mr. Draper was a member with sufficient funds to make investigations and to carry out the purposes for which they were created.

Mr. BROOKHART. Mr. President, one matter that I think the Senate should know about a little more accurately has been mentioned here by the Senator from Arizona. It was in reference to these major and minor permits.

My attention was called to the opinion of the Attorney General in reference to New River. It was Mr. Judson King, I believe, who called my attention to that situation. He told me there was a different opinion from the attorneys of the Power Commission. I then sent for and got those two opinions; and I found that the Attorney General had based his opinion upon the assumption sent to him by Mr. Bonner, the secretary of the commission, that New River was non-navigable. No facts of any kind were laid before the Attorney General, just the plain statement that it was a non-navigable stream. The Attorney General's opinion was rendered upon that assumption; and he therefore decided that the Power Commission might, in its discretion, grant what is called a minor permit, and in this minor permit all but one of the conditions of the water power act may be waived. It is still in the discretion of the commission to waive all of them but one, the 50-year limit. The capitalization, the amortization, the recapture by the Congress, all of those important things might be waived.

Then I found that Mr. Bonner was making arrangements to get such a minor permit issued for this New River proposition. It was reported to me that there was a possible 80,000-horsepower development there. Since then others have claimed that it was less, down even to 9,000; but even 9,000 is a large horsepower. The water power act defines 100 horsepower as a minor proposition in a navigable stream and then allows these minor permits for a bigger horsepower on nonnavigable streams.

When I found out this situation I called the Secretary of Agriculture on the telephone, and he had no information whatever about it, but said he would look into it; and in a day or so I saw his announcement that he did not agree with the opinion of the Attorney General. I called the Secretary of War, but was only able to get the assistant in his office, the Secretary being away at the time. Then I wrote letters to all three of the Secretaries—Interior, War, and Agriculture—and set out these facts, and told them that on the full facts of the case New River was a navigable stream; that Congress had eighteen times appropriated money to improve its navigability; that the Secretary of War five or six times had granted permission for bridges across it under acts of Congress because it was a navigable stream; that there would be a lake constructed with a dam 33 miles long, deep, navigable by almost any kind of a boat; and under that series of facts there would be no doubt as to its navigability. But I further made the claim that even if it were nonnavigable it was still in the discretion of the commission to issue this minor permit, and I thought where it was a power of such magnitude as this they ought not to waive the conditions, even on a nonnavigable stream, in the exercise of their discretion.

I received a reply from the Secretary of the Interior, and later I noticed that the matter had been deferred for the consideration of the new commission. Then I further learned that the Alabama Power Co. had made application to cancel its old permit and take out new permits under these minor provisions, waiving all of the substantial provisions of the water power act. Since that, I think they have

brought a suit, and it is now pending, to reform their permit by decree of court, or something of that kind.

I found later that about three-fourths of all the permits issued up to date could be canceled if that rule were to be followed, and new permits, waiving all of these conditions of the water power act, granted in their stead. So to me it looks like an important proposition; and upon further consideration it seems to me that the Congress itself ought to take a hand and prohibit the issuing of those minor permits under any such conditions.

The VICE PRESIDENT. The question is on the confirmation of the nomination of Mr. Draper. [Putting the question.] The ayes have it. The nomination is confirmed, and the President will be notified.

The Senate resumed legislative session.

RELIEF OF DROUGHT-STRICKEN AREAS

Mr. McNARY. Mr. President, agreeable to the understanding had yesterday afternoon that the executive business would give way to legislative matters, provided the House messaged to the Senate the so-called farm drought relief bill, I ask that the Senate now return to legislative business.

The VICE PRESIDENT. Under the agreement, without objection, the Senate will resume legislative business, and the Chair lays before the Senate the following conference report.

The Chief Clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 211) for the relief of farmers in the drought and/or storm stricken areas of the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendments:

On page 1, line 9 of said amendment, strike out the word "of" and insert the words "incident to."

On page 2, line 11 of said amendment, strike out the numerals "\$30,000,000" and insert in lieu thereof "\$45,000,000."

And the House agree to the same.

CHAS. L. McNARY,
GEO. W. NORRIS,
E. D. SMITH,
Managers on the part of the Senate.

G. W. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,
Managers on the part of the House.

Mr. McNARY. Mr. President, I ask unanimous consent for the present consideration of the conference report.

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

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

Mr. McNARY. Mr. President, the afternoon is crowded with important work, and I think I can in a very short time explain the conference report agreed to last evening.

When Senate Joint Resolution 211 was sent to the House after its passage by the Senate, it was referred to the House Committee on Agriculture. That committee struck out all after the enacting clause and inserted the precise language which was found in the Senate joint resolution, except that it reduced the amount of the authorization from \$60,000,000 to \$30,000,000; it struck out the word "livestock" and inserted the words "work stock"; and it struck out the commodity food. Otherwise, I repeat, it was the identical measure passed the Senate.

The joint resolution as amended passed the House of Representatives yesterday. On the floor there was included one

further amendment, which made the money available for summer-fallowing during the year 1931.

A conference was had last evening between the Senate and the House conferees, and the following agreement was reached:

The Senate conferees agreed to the House elimination of food. The Senate conferees agreed to the House change of "livestock" to "workstock." The House conferees agreed to the Senate proposal that the language should be amended so that it would leave possible for and give latitude to the Secretary of Agriculture to purchase food for destitute homes and families in time of great emergency.

Mr. CARAWAY. Mr. President, I do not like to interrupt the Senator, but I want to ask him about that very language. The language substituted reads in this way—

Mr. McNARY. I was just reaching that point in my discussion.

Mr. CARAWAY. Very well. Perhaps the Senator will answer the question I want to ask, because I wish information about the form of the language. But I will inquire later.

Mr. McNARY. The language in the House text and in the Senate text provided that the Secretary of Agriculture, in his discretion, could lend or advance money to those living in the drought-stricken regions for the purpose of purchasing food, feed, seed, fertilizer, and oil, and for such other purposes of crop production as may be prescribed by the Secretary of Agriculture.

After the elimination of the word "food," and following a considerable debate, it was the unanimous opinion of the conferees that by the elimination of the word "of" and the insertion of the words "incident to," relating to crop production, plenary authority was given to the Secretary of Agriculture to meet destitution in families wherever he found it, and where in his judgment an emergency existed.

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

Mr. McNARY. I yield.

Mr. CARAWAY. Right there is where I want to ask the Senator a question. I will have to read the language. It says:

The Secretary of Agriculture is hereby authorized, for the crop of 1931, to make advances or loans to farmers in the drought and/or storm stricken or hail stricken areas of the United States, where he shall find that an emergency for such assistance exists, for the purchase of seed or suitable crops—

I presume that ought to be "for suitable crops"—fertilizer, feed for work stock, and/or fuel and oil for tractors, used for crop production.

That is where his authorization starts. This is where the purchasing power comes in:

And when necessary to procure such seed, fertilizer, feed, and fuel and oil, and for such other purposes incident to crop production as may be prescribed by the Secretary of Agriculture, and sell the same to such farmers.

I want to call the attention of the Senator to the fact that I am afraid that will be construed by the Secretary to mean that his power is only to do certain things—that is, to furnish money to buy feed, fertilizer, seed, and fuel and oil—and that he must stop there; that that is all that he can furnish it for. When it comes to his purchasing power, what he shall do to supply it, he may purchase it, and the Senator will observe that other provision, "such other purposes incident to crop production." Do I make myself clear?

Mr. McNARY. Very clear.

Mr. CARAWAY. I am afraid he will construe it to mean that the whole grant of power is to buy seed, fertilizer, and fuel and oil, and, incident to exercising that power, he may purchase it and resell it to farmers; but under that, then, there appears the other language, and I am afraid that does not give him the power to buy food.

Mr. McNARY. Mr. President, the able Senator from Arkansas has made himself very clear, but as a good lawyer he knows that all remedial legislation is liberal. I have no doubt that if the Secretary of Agriculture meets the spirit of this measure and attempts to administer it according to

the purpose of Congress he will find ample authority for purchasing food whenever, in his opinion, real need therefore exists.

Mr. CARAWAY. I think all of us realize that the Secretary of Agriculture is not in sympathy with that provision of the measure.

Mr. McNARY. That may be true.

Mr. CARAWAY. I do not want the Senator to pass over that, because I want to be certain that he feels satisfied. In the grant of power there is mention of only certain specific things, and it has always been held in construing a law that the inclusion of certain items indicates the intention of the legislature to exclude items not mentioned.

Mr. McNARY. That is a correct statement of the rule of statutory construction; but the Senator must remember that in the specification of the purposes for which the appropriation is made there is a general statement, "for such other purposes incident to crop production as may be prescribed by the Secretary of Agriculture."

Mr. President, we often find ourselves differing as to language which might be employed. There was very great objection on the part of the House conferees to the use of the word "food." There was a feeling among the conferees, and particularly strong with the Senate conferees, that in cases of extreme necessity there should be some warrant of authority and power conveyed to the Secretary of Agriculture to use this money. That was the interpretation of the six members of the conference. It is my feeling now that if the Secretary of Agriculture desires to use this money for such a humane purpose there will be warrant of law for it. What he will do I do not know. I can say to my esteemed friend from Arkansas that if the Secretary of Agriculture is unfriendly to the administration of the law, if we had included the word "food," it would be always in his discretion to say whether he would use it for that purpose or not.

I assume that the Secretary will administer this law in the spirit in which it was intended by the Congress, and certainly the legislation is enacted solely to relieve distress in the unfortunate sections of the country.

The only other point in controversy was as to the amount of money which might be authorized. The Senate joint resolution authorized \$60,000,000, the House joint resolution \$30,000,000. There was the same conflict of judgment, the Senate conferees holding fast to the larger sum, \$60,000,000, and the House conferees urging that they had gone \$5,000,000 above the estimate of the Director of the Budget.

Finally it was suggested, and after considerable debate it was agreed, that the two figures might well be added together and divided by two, and the mathematical result was \$45,000,000.

So far as the evidence before us is concerned, that may appear sufficient or insufficient, but it seemed, in view of the necessity of getting immediate action, since there is a rule in the House that the report must lie over a day, if we were to make this measure of relief applicable before the holidays to meet the pressing situation, there must be a composure of differences. Therefore, in order to make this money available, even though the amount was not as great as some hoped, and was too large in the opinion of others, we agreed on \$45,000,000 as the amount of money which might be authorized. The Senate also included in the joint resolution and in the report the items placed in on the floor of the House, which included advances of money for summer-fallowing in the year 1931, which is so much desired in those States where reclamation is practiced.

Mr. President, with that statement I hope I have made clear the differences between the two Houses, and the reasons which brought them to compose their differences.

Mr. ROBINSON of Arkansas. Mr. President, the conference agreement represents a compromise of the two important issues between the two Houses. First, with respect to the amount of the appropriation authorized, the Senate joint resolution, as we all remember, carried \$60,000,000. The House joint resolution reduced the amount to \$30,000,000. The conference agreement seeks to effect a compromise by the very simple process of dividing the difference. The conference compromise amount is \$45,000,000.

It has seemed to me, from the evidence presented to the Committee on Agriculture and Forestry, including the surveys which were made by the committees set up by the President of the United States to acquire the information, that \$60,000,000 represented the necessary sum, but it is apparent to all of us that within the next two months the administration of this law will disclose whether there is necessity for an additional sum. If that necessity arises or appears, the opportunity will be afforded to Congress to increase the amount. I acquiesce in the arrangement entered into by the committee because it represents a compromise of the differences between the two Houses.

Now with respect to the second difference which is settled by the conference agreement, namely, the purposes for which advances or loans contemplated by the measure may be made, it will be remembered that the Senate joint resolution, in addition to authorizing advances for the purchase of seed, feed, fertilizer, and fuel oil, also specifically authorized advances or loans for food. I have no doubt now that that express provision is a logical provision and that the criticisms which have been made of it are not well established. In many parts of the drought area there exist persons who in good faith would desire to avail themselves of the provisions of this act who do not apply to the Red Cross for relief, who are willing to reimburse the Government for the advances it may make in the present emergency. I have challenged from time to time anyone here, and do so now, to state a reason founded in conscience or good argument why the Government should obligate itself to provide feed for the work stock, but should be so hesitant in making loans or advances to enable the farmer himself to secure food. There is simply no reason for the distinction except that some have the fear that it would open up the way for large relief appropriations.

To those who think that this may be regarded as an act of charity, let me point out the fact that there is nothing in the record or in the experience of the Government acquired in similar situations to justify such a conclusion. These are loans or advances made, it is true, upon security which might not be regarded as adequate by commercial loan companies, made under emergent conditions. But experience has shown that such loans or advances are for the most part repaid and in this case will be repaid unless there should occur some repetition of the conditions which have made the legislation necessary, in which event it would be impossible to repay a considerable part of the advances.

The conference committee have worked out a solution of this difference relating to the purposes for which the advances may be made which in my judgment devolves upon the Secretary of Agriculture the very great responsibility of exercising his discretion as to when the funds provided in the measure may be used for other purposes than the purchase of seed, feed, fertilizer, and fuel oil. My interpretation of the conference agreement is that there is in the measure no restraint or limitation whatever on the power of the Secretary of Agriculture. He is not only specifically empowered to make advances for seed, feed, fertilizer, and fuel oil, but he is given also power to make advances "for such other purposes incident to crop production as may be prescribed" by him. The language in my understanding of it is very, very broad.

That brings me to the concluding point which I wish to discuss in connection with the conference report. The manner of the application or administration of the law should determine its value. Indeed, that is true without regard to the particular controversies which the conference report seeks to resolve. The power vested in the Secretary of Agriculture in the original joint resolution, both the Senate joint resolution and the House joint resolution, was very comprehensive. It sought to invoke his discretion in determining when advances or loans may be made. I have not the slightest doubt that the power exists to make advances for any purpose incident to crop production which the Secretary of Agriculture may decide to recognize. If I am incorrect in that interpretation I should like now to have members of the conference committee on the part of the

Senate make any suggestion they may care to make concerning the accuracy of the interpretation.

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

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

Mr. ROBINSON of Arkansas. I am glad to do so.

Mr. CARAWAY. I am going to presume that it is a typographical error; but in the third line from the bottom of the first page of the conference report I find this language:

For the purchase of seed or suitable crops.

Mr. ROBINSON of Arkansas. The language of the copy I have is "of suitable crops."

Mr. CARAWAY. It is "or" in my copy. It ought to be "of" or "for."

Mr. ROBINSON of Arkansas. I think the fair interpretation of that language is that the Secretary of Agriculture can make advances or loans under the provisions of this bill for the purchase of "seed for suitable crops, fertilizer, feed for work stock, and/or fuel and oil for tractors used for crop production," and he may also make advances or loans "for such other purposes incident to crop production" as he may prescribe.

Mr. SMITH. Mr. President—

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

Mr. ROBINSON of Arkansas. I yield.

Mr. SMITH. Perhaps the greater portion of the time taken up by the conferees was on this very point as to whether or not we should allow those in the drought-stricken regions to receive food if, in the opinion of the Secretary of Agriculture, the distress was sufficient to warrant. Every member of the conference agreed that this language gives him that power and that upon being questioned in their respective bodies they would frankly admit that they intended by this language to give him that power if, in his discretion, he thought it was needed. I think it is important for us to have that clearly understood in the RECORD so that if any question should arise as to the interpretation of this language and whether or not he had that power, the intent of both Houses may be clearly understood.

Mr. GEORGE. Mr. President—

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

Mr. ROBINSON of Arkansas. I yield.

Mr. GEORGE. Let me invite the Senator's attention that the language in which he finds, as he thinks, the authority to buy foodstuffs is a mere direction to the Secretary of Agriculture and not mandatory upon him at all.

Mr. ROBINSON of Arkansas. None of it is mandatory.

Mr. GEORGE. Oh, it is where he finds an emergency to exist. The directory portion of the measure I think would not carry the authority.

Mr. ROBINSON of Arkansas. In every proper sense I think the whole measure is a directory authority. I do not think one could bring a mandamus proceeding or other proceeding in court to compel the Secretary of Agriculture to make a loan or advance under this statute because in my interpretation of the language it is at last a matter of discretion. That has direct relationship to the subject I was proceeding to discuss, namely, the manner or spirit of the administration.

Mr. BARKLEY. Mr. President—

Mr. ROBINSON of Arkansas. I yield to the Senator from Kentucky.

Mr. BARKLEY. Will the Senator point out to me what language in the conference report confers by implication power or authority in the Secretary of Agriculture to buy food?

Mr. ROBINSON of Arkansas. I have done that, but I will do it again.

Mr. BARKLEY. I am not certain I understood the Senator's statement.

Mr. ROBINSON of Arkansas. There is no language in the measure that expressly confers power to buy food. That was the subject matter in controversy and was worked out

in this way. The provision to authorize the purchase of seed, fertilizer, feed for work stock, and fuel oil was retained, and there was also embraced authority to make advances or loans "for such other purposes incident to crop production as may be prescribed by the Secretary of Agriculture." That unquestionably gives the Secretary of Agriculture the power to make advances or loans for any purpose that he believes incident to crop production, and that would include food and it would include clothing. It is broader than the term "food." I have not the slightest doubt that the language in the conference report, the language which will be enacted if the conference report is agreed to, is broader in that respect than the language in the original Senate joint resolution, because "such other purposes incident to crop production," while indefinite and not specifying any particular purpose, does vest discretion in the Secretary to make advances for any purpose that is proper.

Mr. BARKLEY. The language to which the Senator refers is a part of the clause which apparently gives the Secretary of Agriculture the power "when necessary to procure such seed, fertilizer, feed, and fuel and oil, and for such other purposes incident to crop production as may be prescribed by him and sell the same to such farmers." That language begins at the bottom of the page, after stating the general object, and says "and when necessary to procure such seed." That is, when necessary for him to do it he shall "procure such seed, fertilizer, feed, and fuel and oil, and for such other purposes incident to crop production as may be prescribed by the Secretary of Agriculture, and sell the same to such farmers." It seems to me that clause simply empowers the Secretary of Agriculture, wherever he finds it necessary, to procure this seed, and so forth, and sell it to the farmers. But later on it is provided that he shall, as a part of these regulations as to which he uses discretion, include "an agreement by each farmer to use the seed, fertilizer, feed for work stock, fuel, and oil thus obtained by him for crop production," for the purpose for which it was intended; so that under that language, if a farmer obtained a loan of any amount of money, in the agreement which the Secretary of Agriculture might describe he must agree to buy seed, fertilizer, fuel, and so forth, without supplying food, and I do not see how the farmer could use that money to buy a pound of food for his own consumption.

Mr. ROBINSON of Arkansas. I agree that the Secretary of Agriculture has unlimited discretion. I contend—it is perfectly clear to my own mind, although I may be unable to make it apparent to others—that the meaning of this provision is, first, that the Secretary of Agriculture may, in his discretion, make advances or loans for the purpose of purchasing seed, feed, fertilizer, and fuel and oil, and then for such other purposes incident to crop production as he may prescribe. My suggestion is that the power is almost unlimited, and upon its proper exercise depends the value of the act. I now yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. Mr. President, the Senator from Arkansas has already stated his position, and perhaps I should make a statement in my own time; but as I read this language, it seems to me that the Secretary is empowered to do two different things: First, he may either make advances or loans to farmers "for the purchase of seed of suitable crops, fertilizer, feed for work stock, and/or fuel and oil for tractors used for crop production." That is one thing he can do. He can make advances to farmers or loans to them for those purposes.

When he finds it necessary, the second thing he can do is "to procure such seed, fertilizer, feed, and fuel and oil, and for such other purposes incident to crop production as may be prescribed by the Secretary of Agriculture, and sell the same to such farmers."

Mr. ROBINSON of Arkansas. That is not my interpretation of it.

Mr. WALSH of Montana. Mr. President—

Mr. ROBINSON of Arkansas. I yield to the Senator from Montana.

Mr. WALSH of Montana. I wish some one would explain to us how the Secretary of Agriculture is going to sell "purposes" to the farmer. The language is, "and sell the same to such farmers." The word "same" refers to the things that he is going to get; and one of the things is "such other purposes" as the Secretary of Agriculture may prescribe.

Mr. LA FOLLETTE. Mr. President—

Mr. ROBINSON of Arkansas. If I may be permitted, in my own time, to state my own view, I will say that I think the phrase "and for such other purposes" relates back to advances and loans; but, if I am wrong about that, I want to be corrected now by some Senator who has given special study to the subject.

Mr. WALSH of Montana. I am quite sure that the Senator is correct that the phrase was intended so to relate back, but it is connected up with the things which the Secretary of Agriculture is to buy and sell.

Mr. LA FOLLETTE. That is the point I was trying to make.

Mr. WALSH of Montana. The language is entirely inappropriate in conjunction with purchase and sale with which it is connected. It is quite appropriate, however, to the making of advances and should be transposed so as to have reference to advances and loans.

Mr. ROBINSON of Arkansas. That is why I say that the correct interpretation is that it is an additional power granted to the Secretary of Agriculture.

Mr. McNARY. Mr. President, will the Senator from Arkansas yield at that point?

Mr. ROBINSON of Arkansas. Yes; I yield.

Mr. McNARY. When the House and Senate conferees had their meeting they found that this language about which some are complaining was in both the House and Senate measures. We had no power to change it. We attempted to liberalize it and to bring that about, as I said a moment ago, by conferring very large power on the Secretary of Agriculture to do anything incident to crop production. Technically—

Mr. BORAH rose.

Mr. McNARY. Just a moment, Mr. President. No technical lawyer is going to administer this bill when it becomes the law.

Mr. BARKLEY. How does the Senator know that?

Mr. McNARY. Its intent and purpose are shown. The conferees who brought about this agreement were limited by reason of the language which they could not change, but they attempted to show a clear intention to grant to the Secretary all authority needed even for the purchasing of food in cases of destitution.

Some may take a different view, but, in my opinion, that looking at it from the intent of the conferees is the proper construction of what Congress is trying to do, namely, to relieve suffering. Looking at it from that broad and charitable standpoint is one thing; picking it to pieces technically is another.

Mr. LA FOLLETTE. Mr. President, will the Senator from Arkansas yield to me?

Mr. ROBINSON of Arkansas. The Senator from Idaho [Mr. BORAH] first asked to interrupt me.

Mr. BORAH. I think I shall discuss the matter in my own time.

Mr. ROBINSON of Arkansas. Then I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I merely wish to ask the Senator from Oregon a question. He stated, as I understood him, that the phrase "for such other purposes incident to crop production" was in both the Senate and House measures?

Mr. McNARY. Yes.

Mr. LA FOLLETTE. Would the Senator point that language out in the Senate joint resolution? I have not been able to find it.

Mr. McNARY. It is found in Senate Joint Resolution 211, on lines 9 and 10, page 1.

Mr. ROBINSON of Arkansas. I will now conclude, if I may, what I have to say on the subject.

I do not find a basis for the difficulty that has been suggested by various Senators. I think this language is fairly apt to express the purpose that it was intended to express, and I think it is only necessary to read the language to reach that conclusion, although it is not perhaps expressed in the most accurate and indisputable manner.

Eliminating the portions irrelevant to the subject under discussion, what is the power given to the Secretary of Agriculture in this section? It is to make advances or loans to farmers in the drought or storm stricken areas.

When is he permitted to make such advances? When he shall find that an emergency for such advances exists.

What is he permitted to do when he finds that emergency to exist? He may make advances—

For the purchase of seed of suitable crops, fertilizer, feed for work stock and/or fuel and oil for tractors used for crop production.

Manifestly the clause that I omitted to read, namely, "and when necessary to procure such seed, fertilizer, feed, and fuel and oil," is in the nature of a parenthetical clause. I have not the slightest doubt, I repeat, that the phrase "and for such other purposes incident to crop production" relates back to the power to make advances, and I do not believe any court in the land would give a different interpretation to it, although I admit that more apt language could have been employed.

Mr. MCKELLAR and Mr. WALSH of Montana addressed the Chair.

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

Mr. ROBINSON of Arkansas. I yield first to the Senator from Tennessee.

Mr. MCKELLAR. I think the Senator would be absolutely right in his interpretation if there was not any language after the words "such farmers"; but, if the Senator will look at the provision, he will see that after the broad language to which he has referred, embraced in the words "and for such other purposes incident to crop production"—and unquestionably that would cover what he says it would cover—a sentence follows which reads:

Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed, fertilizer, feed for work stock, fuel and oil thus obtained by him for crop production.

I am not so sure that that does not limit the broad authority in the sentence preceding. I should like to have the Senator's view about that.

Mr. ROBINSON of Arkansas. I do not think so. I think the object of the provision is just what it is stated to be, namely, to make certain that these particular things—seed, feed, fertilizer, and fuel—shall be used for crop production. The phrase "such other purposes incident to crop production" can not be controllable by a clause like that.

Mr. GLASS. Mr. President—

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

Mr. ROBINSON of Arkansas. I yield to the Senator from Virginia.

Mr. GLASS. If I may interrupt the Senator, my understanding is that those words were put in at the very earnest suggestion of the former Governor of Virginia, Mr. Byrd, who was chairman of the body of men brought here for consultation with the Department of Agriculture, in order particularly to take care of the fruit growers of the country, who would have no part whatsoever in this relief without those words being in the bill. I have a telegram on my desk in my office clearly indicating that to be the case.

Mr. ROBINSON of Arkansas. I do not know what conclusion the Senator from Virginia draws from that fact with respect to the general argument I am making.

Mr. GLASS. I do not think they were intended to apply to the food proposition at all; they were intended to apply to such necessary things as enter into the care of orchards and the production of fruit crops, storage and refrigeration, and things of that kind.

Mr. WALSH of Montana. Mr. President—

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

Mr. ROBINSON of Arkansas. I yield.

Mr. WALSH of Montana. Will the Senator suffer a suggestion from me at that point?

Mr. ROBINSON of Arkansas. Certainly.

Mr. WALSH of Montana. The remarks of the Senator from Virginia indicate the very great importance of this particular clause. It seems perfectly obvious to me, as it must to anybody who reads it, that it has been misplaced. Instead of being where it is it should come in after the word "production," at the bottom of the page, so that it would read in this way:

The Secretary of Agriculture is hereby authorized for the crop of 1931 to make advances or loans to farmers in drought and/or storm stricken or hall-stricken areas of the United States, where he shall find that an emergency for such assistance exists, for the purchase of seed of suitable crops, fertilizer, feed for work stock, and/or fuel and oil for tractors used for crop production, and for such other purposes incident to crop production as may be prescribed by the Secretary of Agriculture, and when necessary to procure such seed, fertilizer, feed, and fuel and oil and sell the same to such farmers.

Then it would make sense.

Mr. ROBINSON of Arkansas. I myself think that the transposition of the language as suggested by the Senator from Montana would tend to make it clearer.

Mr. BORAH. Mr. President, I should like to ask a question.

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

Mr. ROBINSON of Arkansas. I yield.

Mr. BORAH. I should like to get the view of some member of the conference committee. Did the conference committee regard food as an incident of crop production? Was that the understanding of the conferees?

Mr. SMITH. Yes, Mr. President. I just said a few moments ago that the words were put in in order to empower the Secretary of Agriculture, if he saw fit, to buy food.

Mr. BORAH. If that is true, why did not the conferees say, "If necessary, in order to provide crops, food," and so forth? Why leave it so indefinite if that was in mind?

Mr. SMITH. Simply because the conferees on the part of the other body said that they could not get by with the word "food," but that if we could substitute something by which they could get by they would do so. That is all there is to it. [Laughter.]

Mr. HEFLIN. Mr. President—

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

Mr. ROBINSON of Arkansas. I yield.

Mr. HEFLIN. Does not that indicate, then, that they did not intend to purchase food. If they could not "get by" with the word "food" in the measure, it seems that food is not going to be bought.

Mr. CARAWAY. Mr. President—

Mr. ROBINSON of Arkansas. I yield to my colleague.

Mr. CARAWAY. I think that the Senator from Montana [Mr. WALSH] has made the suggestion I was about to make. However, I want to impress the thought upon my colleague, if I may, because we are dealing with the lives of starving people, that if any man who is hungry pins his faith to the idea that he will get food under the provisions of the joint resolution at this time he is doomed to disappointment.

What I want to say to my colleague is that when the grant of power ends with the comma, and the means by which the Secretary may use it and how he may exercise it commences with "when" at the bottom of the first page, one is a grant and the other is merely a matter of exercising the power granted. "Other essential things, such as food," if it means anything at all—which I do not think it does as it stands—relates to the manner in which he may exercise the power, whether he shall buy the material or borrow it, whether he shall deliver it or have the people come and get it. It is the manner in which he shall exercise the power which is granted above that. There can not be any doubt about that.

Mr. GEORGE. Mr. President—

THE VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Georgia?

Mr. ROBINSON of Arkansas. Yes.

Mr. GEORGE. I thank the Senator for yielding. I merely wanted to make clear what I stated during the previous interruption.

I think—at least, it seems very clear to me—that the language to which the Senate has referred is directory to the Secretary of Agriculture. It is one of the means which he may employ; and let me call the Senator's attention to this fact:

The Senator from South Carolina and myself had very much to do with framing—in fact, he did frame and introduce in this body—the seed fertilizer act applicable to the Southeastern States in 1928, I believe it was, for the crop year 1929. We also, of course, along with other Senators, were interested in similar legislation for 1930 in the Southeastern States. This provision giving the Secretary of Agriculture the power to buy and to sell was originally inserted for this reason: It was feared that when these Government loans were being made the fertilizer people, the people who had seed to sell, might take advantage of the farmer; in other words, might run the prices up. It was therefore provided in the original resolution—and while this resolution does not follow it precisely, it does incorporate the same general theory—that the Secretary of Agriculture, or the agency selected by him to administer the act, should have the power to buy the seed, to buy fertilizer, and to make sales direct himself in order to forestall profiteering, and in order that he might, by buying in large lots, if necessary, procure an advantageous price for the farmer.

The Senator from South Carolina will recollect that; but I want to call the Senator's attention to this fact: While I know that the purpose of the act is to be confined to the fertilizer and seed and other articles necessary for making a crop, there is not any practical way to supervise the expenditure of the money by the farmer unless the Secretary of Agriculture does exercise the directory or optional power given to him here to go out in the open market and buy what he wants the farmer to have, and in turn furnish it to the farmer.

In other words, if a loan of money is made, there is no practical way by which it could be ascertained what the money would be used for. It is true that the farmer promises to use it for these particular purposes, but it is likewise true that there is no provision for the supervision of the farmer; and certainly the farmer would think, if the Congress did not have sense enough to know that he ought not to permit himself to starve while taking good care of his horse.

Mr. CARAWAY. Call it "feed."

Mr. GEORGE. I imagine that it is not a very practical question we are discussing in this respect:

When the Secretary of Agriculture, through the selected agency, estimates the loan to be made or the advance to be made to the individual farmer, he will take into consideration the need of the farmer for feed for his stock and his fertilizer, and so forth, but will not consider the need of food for his family under the language of the conference report. It is important in that respect; but unless the Secretary of Agriculture is going to supervise in ways not indicated in the act and not heretofore practiced by him in the administration of like acts, the one way in which he could absolutely see that the farmer who obtained a loan did not use some of it, if absolutely necessary, to support himself and family, is by going into the market and buying the articles and selling only feed, fertilizer, and seed to the farmer.

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

Mr. ROBINSON of Arkansas. Yes; I yield to my colleague.

Mr. CARAWAY. The only thing about that is that section 2 makes the farmer a criminal if he should borrow it for one purpose and use it for another; and he might be

fined a thousand dollars and he might be put in jail for six months.

Mr. GEORGE. I said, of course, that he was obligated to use it for those purposes.

Mr. BARKLEY. Mr. President—

THE VICE PRESIDENT. Does the Senator from Arkansas yield to the Senator from Kentucky?

Mr. ROBINSON of Arkansas. Yes; I yield to the Senator from Kentucky.

Mr. BARKLEY. The remark of the Senator from South Carolina a moment ago, in which he let the real cat out of the bag—and I think he told the truth about it, that as a matter of pure, stubborn pride, somebody demanded that in order to save his face the conferees strike out the word "food," so long as they put any kind of language in there that would give them the right to do what they would do under the language carried by the word "food"—illustrates in a striking way, in my judgment, who it is that is playing politics on human misery in this country. [Applause in the galleries.]

Mr. ROBINSON of Arkansas. Mr. President, I am going now to conclude what I have to say on this subject.

Mr. GLASS. Mr. President, will the Senator yield to me?

Mr. ROBINSON of Arkansas. Certainly; I yield to the Senator from Virginia.

Mr. GLASS. I want to indicate to the Senator just how the words upon which he has been commenting got into this bill, and what their real purpose is.

I have a wire here from former Governor Byrd, of Virginia, saying:

Very important to include language in relief bill as follows: "For other purposes of crop production."

This was specifically agreed to by Secretary Hyde, and is included in Aswell bill as well as bill passed by Senate. This most important to give relief to fruit and vegetable growers and for other items of crop production, and is thoroughly consistent with the provision enabling loans for seed, feed, fertilizer.

Mr. ROBINSON of Arkansas. Mr. President, I have not the slightest doubt that the language would have application to the circumstances referred to by the Senator from Virginia and that it has even a broader significance than he has in mind.

Applying the ordinary rules of interpretation and availing myself of the information that I have been able to obtain since I took the floor from the discussion of my colleagues, I am confirmed in the conclusion that the legal intent and meaning of the language used here is not open to great controversy and that it will be construed to give the Secretary of Agriculture power not only to make advances for the purchase of seed, feed, fertilizer, and fuel oil, but also for such other purposes as he may believe are incident to crop production, including food and clothing.

I think the language in this compromise agreement is broader in its effect and legal meaning than the language in the Senate joint resolution. I realize, as I have stated two or three times, that a transposition would in all probability remove any doubt as to the meaning; but I do not believe that there is a court in existence that would take the history of this controversy, take the debates that have occurred on this bill, take the language itself, and give it any other meaning than that the Secretary of Agriculture is given plenary authority within his discretion to make advances for such purposes as he believes incident to crop production.

I wish now to take just one moment to say that the value of this agreement depends upon the manner in which it is interpreted and the manner in which it is administered. We all recognize the fact that delay in setting up the machinery, and restrictions which will make difficult the securing of advances or loans by those who in good faith seek them, will disappoint the hopes and break down the morale of the many citizens in distress whom this legislation is intended to relieve.

AID FOR PEOPLE IN ALABAMA AND OTHER DROUGHT-STRICKEN SECTIONS OF THE COUNTRY

Mr. HEFLIN. Mr. President, the Bible tells us that God made man in His own image and that He gave him do-

minion over the earth, the beasts of the field, and all other created things.

We all accept, I believe, the doctrine that the welfare of the citizen was the whole end and aim of constitutional government in America; and yet the House of Representatives, in collusion with some of our distinguished Senators in conference on this drought relief bill, struck out the word "food" for human beings and left in it provision for feed for stock. They put the hog above the human and the mule above the man. [Laughter.]

That is the situation that confronts us in the Senate.

How can anybody understand that the Secretary of Agriculture now has it in his discretion to purchase food for these distressed citizens to use in making a crop since the provision authorizing that to be done has been stricken from the bill by the House?

Mr. President, is the Senate afraid to stand by its position that the Government owes it to the distressed citizen to do as much for him as it does for his hungry horse?

We have already gone on record favoring a loan to the farmer to buy feed for his stock; we have already gone on record in favor of loaning him money to buy fertilizer for the soil and to buy fuel for his farm vehicles; and now some of us are insisting that we give consideration to the millions of human beings, made in God's image, who are hungry and shivering in the cold, and who are hoping that we will at least do as much for them as we are doing for the beasts of the field. Do Senators wish to have their constituents believe that they are willing to supply feed for work stock and at the same time withhold food from human beings who are about to starve?

Mr. BARKLEY. Mr. President—

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

Mr. HEFLIN. I yield to the Senator.

Mr. BARKLEY. If this cross-eyed language which has been put in here by the conferees is to be interpreted as they contend—that it was substituted for the word "food" in order to give the Secretary of Agriculture discretion to buy food—if that is the correct interpretation, is it not also broad enough to enable him to buy clothes for those who work in the field, or any other article that might be necessary either to clothe or to feed the human being who is to work the stock after they have been fed on this feed specifically provided for? In other words, in striking out the word "food," if their contention is correct in that they have enlarged the language so as to give the Secretary of Agriculture full discretion as to food, do they not leave the gates wide open for him to buy anything else?

Mr. HEFLIN. It would seem so.

Mr. BARKLEY. Certainly, in objecting to the word "food" it was not the intention of the conferees to broaden the language so as to enable them to buy anything.

Mr. HEFLIN. I think the Senator is correct about that. I think the Senator from Virginia has shown that that language refers to something else—fruit crop, refrigeration, and so forth. That is what they are talking about, and not for providing food for starving men and women.

The House has ruthlessly struck from this drought-relief measure \$15,000,000.

Mr. President, I recall the time when the House of Representatives passed the ship subsidy bill, which provided that the Ship Trust could buy the whole American fleet for \$200,000,000, a fleet which cost this Government \$3,000,000,000, representing a loss to the Government of \$2,800,000,000. I helped to kill that bill in the Senate. Not only that, but the House bill provided that the Ship Trust could borrow money out of the Treasury of the United States at 2 per cent.

They did not hesitate then to put that remarkable provision in for the American Ship Trust. But now they hold out and fight to defeat a proposition of adding \$15,000,000, making the amount \$60,000,000 in all for the relief of millions of unfortunate patriotic Americans in the drought-stricken regions of the United States.

I commend to the gentlemen at the other end of the Capitol, and to some at this end of it, the fifth chapter of Nehemiah, where it says:

We our sons and daughters are many and we have mortgaged our fields and our vineyards and our homes to buy grain that we may eat and live.

Senators are talking about providing millions to provide feed for stock, but are not willing to give a dollar to buy food for human beings pinched by the pangs of hunger and threatened with starvation.

I for one am in favor of putting a provision in the bill that will instruct the Secretary of Agriculture what to do. We tell him about feed for stock, we tell him about seed to plant, we tell him about fertilizer to put in the ground. Why not tell him pointedly what we want done about food for starving people?

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

Mr. HEFLIN. I yield to the Senator.

Mr. COPELAND. Does not the Senator hope, as certainly I do, that before very long the administration may come to realize that there are hungry people, not alone upon the farms but also in the great industrial centers? It may well be that other persons besides farmers may need food before this period of depression passes. I assume that very shortly the Congress will consider bills providing for furnishing some measure of relief to all classes, not only farmers but to industrial laborers and other sufferers, and I think that unless Congress does do that we will face a very serious time, a period which might threaten even our social order in the United States.

Mr. HEFLIN. I agree with the Senator that the situation is serious in many places, and I want to say to him that if the time comes when American men, women, and children are starving anywhere and it takes Government aid to save them, I will do the thing necessary to keep them from starving. What do I care about making a precedent if justice requires it and mercy demands it?

We should pride ourselves on setting the right kind of a precedent. One writer has said that many precedents are simply errors grown old. We frequently hear it said, "You have no precedent for this and that." It is our business to meet these issues as they come, and be just and fair in our dealings with them. If human beings in the United States, through no fault of their own, through the terrible economic conditions and distress which we can not prevent, are suffering; are we going to permit them to starve, when this the greatest and richest Government in all the world can save them? Not by my vote.

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

Mr. HEFLIN. I yield.

Mr. BARKLEY. I simply want to suggest to the Senator from New York [Mr. COPELAND] that the best way I know of to assure an appropriation to feed the hungry people in the United States is to move them into China or to Russia. If we could get them over there, so that they would not any longer be American citizens, and if they would appeal to us on the same conditions under which they appeal to us as American citizens we would make an appropriation to feed them.

Mr. BLEASE. Mr. President, I call the attention of the Senator from Kentucky to the fact that we are now feeding millions of foreigners in this country, a good many of whom are doing work which American citizens who are hungry should have.

Mr. HEFLIN. That is very true, Mr. President, and they ought to be deported and I am still trying to have that done.

Now, I hope I may be permitted to proceed to finish what I expect to say in a very short time.

Mr. President, I recall that we appropriated a hundred million dollars to feed starving Europeans. At another time we appropriated \$20,000,000 to feed starving Russians. We appropriated in all on that occasion \$120,000,000 for foreigners, and the House and the Senate voted for those measures.

Now, we come with a case of great distress in our own country, widespread want and threatened starvation unparalleled in our history, and we are asking for just half of the \$120,000,000 that we gave to foreigners—\$60,000,000—and the body at the other end of the Capitol has denied it to us by cutting out \$15,000,000. They will not give to our own people in distress in the various States of the Union half of what they gave away to foreigners.

How are Senators going to face their constituents, some of whom are in dire distress? Mr. President, there is real distress in many places in our country. Take the farmers in States where no crop has been made this year. They mortgaged the 1930 crop when they planted it, and they mortgaged their livestock, and many of them mortgaged their household effects. The crop failed. They have nothing left to mortgage. Senators, they are in dire distress, and they are fine, upstanding, honest, loyal American citizens. Break the morale of that class of people in this country, and you will strike down patriots who constitute the real source of the Nation's strength and glory.

Will it not be a glorious Christmas present to let American patriots know that you are going to send them some hay for their horses or some corn for their hogs, but that you are not going to aid them in obtaining food for themselves and families?

How can any Member of the House or the Senate excuse himself for voting for a bill to lend a man money to buy corn for a horse or a hog, and deny him the right to borrow to buy food for himself and his starving family?

Surely we can get together and stand together on \$60,000,000 for the millions of distressed men and women in the drought-stricken sections of our country.

Mr. President, there is a serious situation confronting this country. Think of what has been done for another class of our people. In the last 10 years or a little over in rebates and credits the Government has given to the mighty rich \$2,000,000,000. In the refund of taxes it has handed over to the mighty rich \$1,800,000,000.

In response to my resolution I have just received a report from the Secretary of the Treasury showing the amount of money in circulation for each year from 1919 up to and including the year 1930. The amount has gradually decreased until to-day we have the smallest volume of money in circulation that we have had for any year since 1923. There is where the American people are hurt and terribly handicapped. The body of business is suffering. There is not a sufficient amount of lifeblood—money—circulating in the body—business—to keep it robust and strong.

Business stagnation is seen everywhere and banks are failing on every hand. Eleven hundred banks have failed this year. The people in the drought-stricken regions are suffering, and many are in great distress, but we can not get enough money appropriated here to serve them in this hour of their greatest need.

Sixty million dollars is not a large amount for the great number of people that we must aid at this time. Mr. President, the House denies us the \$60,000,000, and right now \$150,000,000 is being loaned to the shipbuilders of the United States. The Government's money—more than twice \$60,000,000—is being furnished to these private individuals to carry on their private business, but the Government is not allowed to go with adequate funds to the rescue of millions of men and women who are hungry and in great distress.

I recall the lines of Clark in *The Lost Atlantis*:

The few claimed all the increase
From ocean, soil, and air,
Precious stones and gems and metals,
Flocks and grain and fruitage rare.

And they built a golden image
In the grandest of their marts,
And the incense that ascended
Rose from ruined homes and hearts.

The only word the image uttered
Day and night was "give."
And the people feebly answered,
"Grant us work that we may live."

And the tollers starved and perished
On the highway and the moor,
And the wolves of want went prowling
'Round the cabins of the poor.

And I heard a voice proclaiming,
Down the solemn aisles of space,
"He who strikes a starving brother
Smites his Maker in the face."

Mr. BARKLEY. Mr. President, I have no disposition to be technical or to split hairs over the meaning of language inserted by the conference committee. Either the language suggested meant by some deceptive method to include food, or it did not.

If anybody in either House of Congress or in any executive department was willing by general provisions to authorize the Secretary of Agriculture to buy food, but did not have the honesty and courage to say so, then I say that that is a piece of deceptive and dishonest legislation. If we are willing for the Secretary of Agriculture to buy food with this money, then we ought to be honest enough to say so and not do it by indirection. So that, so far as I am concerned, either interpretation of this language is subject to condemnation. It either meant food or it did not mean food.

If the Senator from Virginia is correct in stating that this language was inserted in order to take care of fruit growing, because fruit growing is not specifically mentioned any more than any other agricultural product is specifically mentioned, then, of course, there is not a pound of food included in the language and the Secretary of Agriculture is not authorized to buy a pound of food under that language.

Mr. CARAWAY. Mr. President, the fruit grower is going to be as much disappointed as other farmers are, because there is no authorization for that.

Mr. BARKLEY. Of course. I think the language without that clause is broad enough to include any sort of agricultural products. We learned in the tariff debate here that the word "agriculture" is a flexible word, which includes all sorts of things which grow out of the ground.

So far as I am concerned, I think the Senate ought to have retained the language which it had in the bill originally, including food. It is the almost unanimous opinion of every Member of this body that that language was justified in the beginning. If the Secretary of Agriculture and the President of the United States and the Members of both Houses of Congress knew the real conditions in the rural sections of the drought-stricken region as they are known by those who live in those sections, they themselves would be converted, in my judgment, to the proposition that food is necessary to be included in the bill.

I have no information that is very accurate from any State except my own. As I said on a former occasion, the committee set up under the administration known as the drought-relief committee, after making a survey of the State of Kentucky, reported that a minimum of \$10,000,000 was necessary to loan the farmers who have no credit and who can not obtain loans in any banking institution; who can not make any negotiable instrument that will be accepted in any financial institution. Of course, I do not insist—and neither does anybody else insist—that Kentucky alone is in that condition or that we would expect \$10,000,000 out of any such appropriation as that which is proposed here; but if the drought-relief committee set up in my State, after an exhaustive investigation through local committees in all counties that knew the situation, is willing to state that \$10,000,000 is required in that one State, and we appropriate only \$45,000,000 for the entire drought-stricken area, we can all see how inadequate is that appropriation to meet the situation which exists.

Mr. BLACK. Mr. President—

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

Mr. BARKLEY. I yield.

Mr. BLACK. I would like to state to the Senator that the same kind of a committee in Alabama has reported that the sum of more than \$10,000,000 is necessary there for the same purpose.

Mr. BARKLEY. I realize that the same kind of committees in other States reported the amounts necessary and all did it under the jurisdiction of a movement set on foot by the President of the United States.

Mr. President, I claim that the Secretary of Agriculture has no adequate information about the situation in my State, and I doubt seriously if he has as to the condition in other States. He went to the city of Frankfort, Ky., on the train, got off between trains, conferred with the governor of the State for a little while, and went from Frankfort to the city of Louisville in an automobile after dark, and then gave out a statement, in view of the fact that a little shower had come which wet the road, that the situation was well in hand in Kentucky and there was no suffering, and said that, as a matter of fact, the drought had done very little damage anyway.

I have information which has been given to me from sources that I know to be absolutely accurate that in my State to-day there are from 300,000 to 500,000 people who are hungry. They are not living in the cities, either, where the Red Cross and the Salvation Army are undertaking to care for the people's wants. They live out in the rural sections, where neither the Salvation Army nor the Red Cross has facilities for looking after them. I am informed that in the larger cities of my State there are 4,000 school children being fed by these welfare organizations. In one county where the Salvation Army has an office and has some facilities, there are more than 300 families being fed to-day by that organization, and they are not people who live in the cities. They live in the country for the most part.

An investigation was made among the school children of a certain county. Out of 120 counties in Kentucky 116 were seriously affected by the drought, every county in the State except 4. A committee was sent to investigate the food that was being consumed by the school children in a certain rural county. They came back and reported that they looked into the dinner buckets of those school children and found in those dinner buckets in three school districts in that county green hickory nuts and green walnuts and rotten heads of cabbage as the only food those children had to subsist upon in order to enable them to go to school.

I do not think the condition in my State is different from that which exists in other States, although the failure of crops in certain portions of my State for a period dating back even to 1927 may intensify the condition there. Indeed, in the western end of Kentucky, where I happen to live, we have not had a normal crop for four years, not since 1927. The people down there raise tobacco. That is their money crop. They produce practically no foodstuffs at all, because as early as last April, when I was in Kentucky, they were complaining of the dry weather and that it had prevented them from planting a large crop of this product. That drought has continued from that time until to-day, and to-day hundreds of communities are hauling water for families and for their stock; thousands of barrels of water wherever it can be found are being hauled to the school-houses. As a result of this condition, although more than a million people in the several counties have been inoculated against typhoid fever, a record no other State has equaled up to this time, there will be an increase in all probability of 33 1/3 per cent in that disease in that State alone, due to the conditions which I am attempting to describe.

As I said a while ago, the Red Cross and the Salvation Army are wonderful organizations and doing a wonderful work. The public in the State of Kentucky has responded in a more magnificent way than ever before in the history of the State to the call of these welfare organizations to relieve the situation. Every city council has gone the limit of its power under the law to appropriate money for charitable purposes. Every county has done the same thing. Yet, in spite of these welfare organizations, in spite of the fact that the counties and cities have gone the limit in appropriating money out of their treasuries to take care of the situation, we find the conditions which have been reported to me by the State board of health, which has made a careful, painstaking survey in every county of the State of Kentucky.

It may be that it is against the Constitution, that it is a violation of our conceptions of the functions of the Federal Government to appropriate any money out of the Treasury to feed these people in the United States of America; but I ask, Mr. President, by what right we can construe the Constitution to give us power to appropriate \$100,000,000 to feed starving people in Europe and \$25,000,000 to feed starving people in Russia, for both of which I voted and would vote for again; I ask, What right have we to construe our Constitution to provide that we may appropriate for people in other countries and deny it to the people of our own country who support our flag and Constitution in times of war by their lives and by their blood and in times of peace by their taxes? It is unworthy construction, in my judgment, of the powers of the Federal Government. It is an unworthy limitation upon the functions of our Government to hold, even after local committees, local organizations, and local governments have exhausted their power under the local laws to relieve the situation, that even then the Federal Government has no right to go to the rescue of the people except to feed their horses and mules, hogs and cattle, but at the same time deny the people themselves the right to eat.

So far as the \$60,000,000 is concerned, it seems to me an unnecessary fight has been made to save somebody's face, because if we appropriated \$100,000,000 or \$1,000,000,000 out of the Treasury, every dollar of it is in the discretion of the Secretary of Agriculture, and although we might put at his disposal \$150,000,000 or \$200,000,000 to buy food, he is not required to spend \$100 of it for food unless he finds it necessary to do it in the exercise of his discretion. Therefore I inquire of my fellow Senators, and I inquire of the Government of the United States, why it is necessary to make all this fuss and furor over \$15,000,000 when the Secretary of Agriculture is not required to spend one dollar of it unless he finds it necessary to do so?

I think it most unfortunate, and I do not wish to exaggerate the situation, but I do wish to emphasize the fact that here in Washington the people do not fully comprehend the situation. It is a most distressing and, I think, unfortunate condition that we find the Congress of the United States and the President of the United States and the Secretary of Agriculture haggling and quibbling over the inclusion of the word "food" in a bill to grant relief to the people of the country who are its bulwark and its backbone.

Mr. WALSH of Massachusetts. Mr. President—

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

Mr. BARKLEY. I do.

Mr. WALSH of Massachusetts. Do the cities and towns in the Senator's State appropriate money to be distributed to the poor for charitable purposes?

Mr. BARKLEY. I think every county and city in the State of Kentucky not only does it all the time, but they have gone to the limit in this particular emergency. They have been magnificent. They have denied every ordinary function of the government the money that might be necessary to carry them forward in order to enlarge the appropriations for these charitable purposes.

Mr. WALSH of Massachusetts. Do the officials distribute this relief or do the county officials turn the money over to some charitable organization?

Mr. BARKLEY. They do not act uniformly in all counties. Of course each county administration is held responsible for the expenditure of the money. Sometimes it is turned over to a charitable organization or a welfare committee, but an accounting is demanded from that committee or that organization when the money has been expended. Sometimes the county expends it under its own jurisdiction. In my earlier years I happened to be the judge in the county where I lived. The county judge has jurisdiction over the expenditure of charitable funds. Sometimes we allotted a portion of the funds to the Red Cross or some welfare committee organized in the community. Sometimes we disbursed it all together on county warrants. There is no uniform rule. It can be turned over to a welfare organization for distribution and frequently that is done, because

they have better facilities for investigating the merits of the claims; but there is no uniform practice.

Mr. WALSH of Massachusetts. The cities and towns of New England and I think generally throughout the North elect annually a board known as the board of overseers of the poor. Even the smallest community appropriates a certain sum of money which is needed, which is handed over to this board and distributed among the poor. The board pays the rent for poor families, buys shoes and clothing, and sends groceries and food from the shops and stores to the families, and the town or community pays the bill. I was wondering if that system prevails in the Senator's part of the country.

Mr. BARKLEY. I should say that every county in the State of Kentucky has a poor fund that is set apart especially for the purpose of caring for the poor. That is not a loan; it is a gift. The county never gets a dollar back nor does the city. It is a straight-out donation from the public treasury to take care of the indigent cases, which we always have with us. Manifestly in the drought-stricken area, such as we have had in our particular section of the country, in all of the States in the Mississippi Valley, it is impossible for a city or a county government to have enough money to accomplish all the purposes that are entirely worthy. They are limited in their tax rates. They can not raise the taxes beyond constitutional limits for this particular purpose.

Mr. WALSH of Massachusetts. In my section of the country the appropriations have necessarily had to be tremendously increased.

Mr. BARKLEY. That has been done in my State.

Mr. WALSH of Massachusetts. One of the incredible features of that action is that the increased burden rests upon the small landowners who have to have their taxes increased to help make up this emergency fund to take care of the poor and the unfortunate. It is nothing new. One would judge by some comments which we hear that there never has been any such policy in America as giving money for assistance to the poor. So long as I can remember and so long as I have been able to read the history of my section of the country we have always maintained a fund and officials whose business it is to find out who are poor, who need aid, and to spend the public funds to assist them, to protect them from starvation and from neglect through lack of proper shelter.

I am very much interested in having the Senator give us the description he has of the real conditions in his section of the country, and I will close by calling attention to the fact that only this morning I received a communication from the board of overseers of the poor of the community where I live—a small community of 14,000 people—in which they state that the number of persons now whom they are taking care of from public funds appropriated by the taxpayers is about 900. The normal number of persons they take care of each year has rarely exceeded 50. I think that helps to give us a picture of the conditions throughout the country.

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

Mr. BARKLEY. In just a moment I will yield to the Senator. I appreciate what the Senator from Massachusetts [Mr. WALSH] has said, because I know how he feels generally toward the problem of human suffering. To illustrate how this situation has affected the farmers in the county of Jefferson in Kentucky, in which the city of Louisville is located, the tax assessment of intangible property for this year has fallen off \$107,000,000. That means that those who held stocks and bonds, who had to give them up as the result of the stock-market crash, have been able to be relieved of taxation on their stocks and bonds to the extent of \$107,000,000, while at the same time the value for taxable purposes of farm land in that county has not been reduced by a single dollar. So that these farmers in these distressing circumstances are required to pay the same amount of taxes to save their property as they have been paying all the time, while those who have sold intangible property or

gotten rid of it, either voluntarily or involuntarily, to that extent have had reduced the amount of their taxes. Now I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. The Senator has now passed some of the points where my interruption would have been pertinent, but with reference to some of the questions asked by the Senator from Massachusetts [Mr. WALSH] I desire to say that the system prevails in the section of the country with which I am familiar of raising funds by what are known as "community chests."

Mr. BARKLEY. Yes.

Mr. ROBINSON of Arkansas. Every city and almost every town organizes a campaign and carries it on very effectively to collect a fund to be used for charitable purposes. That fund is usually actually distributed through certain charitable organizations, generally including the Red Cross, and in some cities with which I am familiar including a number of other organizations. For instance, the city of Little Rock this year had an increased community chest; for the first time, I think, in its history the fund was oversubscribed, and that, too, under circumstances that made the collection of the fund quite difficult, because the large contributors, as a rule, were unable to donate the usual amount, but the smaller contributors made that up. We were, of course, highly pleased to see that the fund was oversubscribed.

Mr. WALSH of Massachusetts. Has the Senator no department of government in his city known as the poor department?

Mr. ROBINSON of Arkansas. No.

Mr. WALSH of Massachusetts. Have no cities in the Senator's State any such department?

Mr. ROBINSON of Arkansas. No.

Mr. WALSH of Massachusetts. In Massachusetts we have the community chest as well.

Mr. ROBINSON of Arkansas. We have in the counties provision for the poor, but that is not in the cities. It is not controlled by the cities; it is controlled by the counties.

Mr. BARKLEY. Mr. President, I appreciate what the Senator from Arkansas has said. We have the community chest in the large cities in the State of Kentucky, and after the funds have been raised they are distributed in an equitable way among the charitable organizations, but that is an activity that is largely confined to the cities. It may overlap the city limits a little bit so as to take care of the people on the edge outside, but it does not include farmers; it offers no hope of relief to farmers in the rural sections. The Red Cross—one of the greatest organizations in the world, and one which has done greater service in relieving human suffering than has almost any other organization conceivable—is in the same situation. It is not prepared to go out into the rural districts, and it has never made a practice of doing so.

Dr. John Barton Payne, the head of the Red Cross Association, for whom I have a profound admiration, in his report recently stated that they are now feeding 22,000 farmers. Of course, when one considers the number of cities, to which the Red Cross is practically limited in its distribution of charity, 22,000 families in this particular time is no great number of families compared to those who need relief. The only way by which the farmers, many of whom—I will say thousands of whom—for a period of four years, even, before this year's drought came had not made a normal crop, had not produced enough feedstuffs for their livestock or food for their families, will be able to get any relief in the way of food, unless this bill shall be either interpreted or changed so as to cover that item, will be through the Federal Government.

Mr. COPELAND. Mr. President—

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

Mr. BARKLEY. I wish to conclude my remarks; but I yield to the Senator from New York.

Mr. COPELAND. No matter what may be the status of this measure—and I assume that it is foreordained to pass in the form in which it is presented to us—the Senator does

not fear, does he, that there will be no further opportunity for those of us who feel as we do about this industrial situation to make any appeal to Congress?

Mr. BARKLEY. I certainly hope that there will be further opportunity, Mr. President, if the need requires it, but why in a great emergency like this should we nibble at a thing? Why should we do what we are going to do grudgingly? Why do not we recognize frankly the conditions and deal with them, because in two months Congress will be away from here, I hope; and I further hope it will not be back until next December. We ought to make ample provision for any emergency before we leave here in March.

Mr. COPELAND. If the Senator will yield further, I should not be content now merely to vote for this bill, as I expect to do, unless I had in my heart a feeling that when Senators come back from the holiday recess they will be so impressed by what they are going to see during the next two weeks that they will come here ready to be extremely generous in voting whatever sums may be necessary not only for the relief of hunger and suffering in the rural districts but also in the cities and villages. I agree fully with the Senator; I know what the situation is upon the farm, but it is not limited to farm; it is everywhere, and I view it with great anxiety. I do not think we can deal with it lightly. I think we must come here with a firm and steadfast determination to work out some sort of legislation which will make available through some channel the relief of people in distress not only on the farm but everywhere throughout the country, because—and I am sure the Senator agrees with me—we have a dreadful situation confronting us and unless it is dealt with wisely we do not know what the end may be.

I will say to the Senator that, so far as I am concerned, I am ready to join him at any time in a movement to seek to give whatever relief we may properly give. I assume, as this bill is here in the form in which we now find it, we certainly would not wish to adjourn for the Christmas holidays without starting this much of the work, but there must be impressed upon the administration before another month shall have passed the seriousness of a situation which will need the administration to be very much more considerate and very much more yielding and very much more ready to provide funds for the very things the Senator has in mind.

Mr. BARKLEY. I appreciate what the Senator has said, but I will state frankly that I fear if we are to depend upon the holiday visits of our membership to their homes for additional information as to the real condition among those who may not be in a position to celebrate Christmas, we shall not have very much more information when we get back than we have now. I do not want the Senator to understand from what I have said here that I am in opposition to the pending joint resolution as it is brought back here, if that is all we can get; but I am not willing to have this incident go by, in view of conditions as I know them to be, without registering my protest against the niggardly policy which is being adopted here by the passage of this grudging joint resolution and against the efforts to hedge it around in every way possible so that need can not be administered to.

Mr. COPELAND. I sympathize with the Senator, but I think the man will be blind and deaf who goes to his home anywhere in this wide land over the holidays and fails to come back with a determination in his heart to do something in a practical way to relieve the situation.

Mr. BARKLEY. What about those of us who can not get home?

Mr. COPELAND. Let them look about here; let them go to Baltimore and visit some of the communities near Washington. However, when the Senator from Massachusetts and I go home we will see great lines of unemployed seeking work in front of every employment bureau in the cities of the East. My city has been extremely generous; it has raised \$8,000,000 to take care of the immediate emergency, but \$8,000,000 is only a drop in the bucket compared to what is needed to relieve human suffering in the section

of the country where I live, and I believe that is true of every portion of our great country.

Mr. BARKLEY. Mr. President, conditions in Washington are bad enough, but, of course, the Senator knows that Washington, being the capital of the Nation and the people here depending upon the pay roll of the Government, which has not been interfered with, and not being an industrial center, is feeling the prevailing depression more lightly than any other similar community in the United States, and we can not get an adequate view of this situation simply by staying here in Washington.

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

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

Mr. BARKLEY. I want to conclude, but I yield to the Senator.

Mr. BLACK. I should like to call the Senator's attention to the fact, when he refers to the niggardly policy being pursued, that it is my understanding the Democratic leader of the House of Representatives asked the chairman of the Appropriations Committee whether or not it was contemplated to appropriate this entire \$25,000,000, and, so far as anyone has been able to discover, the idea seems to be that even the \$45,000,000 will not be appropriated; that, while it is authorized to be appropriated, the same policy will continue and the same fight will occur when the question of the appropriation comes up.

I may state further that from information I sought to obtain from some in authority I reached the conclusion that they are waiting to see how much of the total amount will be appropriated, and that probably the plan is not to appropriate \$45,000,000 at all, but again to have the fight and seek to bring about another compromise in order that a great victory may be won for economy at the expense of the people.

Mr. BARKLEY. In other words, while we are nibbling at it and whittling it down bit by bit millions of our people are suffering. I do not wish to violate any of the proprieties, but I am satisfied that if the newspaper statements have been correct as to the attitude of the leaders of the dominant party in another branch of the Government and if their views are to be carried out in that branch there will be no amount even approximating \$45,000,000 actually appropriated for the relief of people in the United States who are in distress.

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

Mr. CARAWAY. Mr. President, I had hoped that, as inadequate as this authorization is, it would be at least a recognition of the right of hungry people, starving people, to look to their Government for relief in time of distress. I had hoped that I should find in this conference report a recognition on the part of the Government, as voiced by the Congress, that human suffering is entitled to consideration. It is not in the bill, Mr. President. I can not deceive myself about it. It is out of the bill. There is not any authorization in the bill—and no one need vote for it with that belief—for the purchasing of one pound of food to alleviate the sufferings of starving humanity.

The Senator from South Carolina [Mr. SMITH] revealed what was beneath this language—that the administration has said that human beings should not be relieved of their sufferings by governmental instrumentalities, and therefore language was to be so inserted that a hope might be held out, but relief denied.

I have looked at the authorities, Mr. President, construing the words "and other purposes." There is not a single case where the courts have construed that language to add another element. For instance, if you have an authorization to take water for fire protection and for home consumption, and other purposes, the phrase "other purposes" does not add another power other than what were enumerated as purposes for which water might be taken. "Other purposes," as the words stand in this bill, does not mean anything ex-

cept this: That the Secretary of Agriculture is empowered, if it becomes necessary in order to protect the public against the gouging of profiteers, to purchase and distribute or sell to the farmers feed and oil for fuel. The method in which he may acquire it or distribute it is stated, but not that he may add some other item to the enumerated purposes for which he might let farmers have money or might use the money and thus buy food to be distributed.

If it were open to question, Mr. President, I should accept it and cherish the hope, as hostile as I know the administration now is, and the Secretary of Agriculture in particular, to granting this relief, that the circumstances might finally convince even these that this is a worthy activity of the Government to relieve the distress of human beings. But there is not any food under this bill. There is not a bite of it. Nobody need vote for it with any belief that there is.

In the first place, we know that the administration is against food being purchased and distributed to suffering human beings. We know the Secretary of Agriculture is against it; and when Mr. Warburton, who possibly will make the rules and regulations under which this measure will be administered, was before the committee, he was so openly hostile to it that he became offensive.

I am not going to enlarge upon the condition that confronts the people in my own State. I have a State pride that makes me regret that human suffering is so widespread in that State that local instrumentalities can not relieve it. But, Mr. President, the truth is the truth.

In the last two months almost a third of the banks in that State have closed. They locked up the resources of many of the counties and the cities, as well as those of the individuals. Much of the public funds have been involved in these failures, and in some instances the surety companies that guaranteed the return of these funds have likewise gone into the hands of receivers. Individuals who had money can not get it. But few of them had it. We have a drought situation in that State said by the Department of Agriculture to be more severe than that in any other of the States. On the 15th day of November last there were already 85,640 families in that State without means of subsistence. If there be five people to a farm family—and they usually would average that—there is more than a fourth of the entire population that already are without means of livelihood. These have been added to, I suspect, nearly a third since the 15th day of November.

I could fill a whole volume of the CONGRESSIONAL RECORD with letters and telegrams from presidents of banks, from merchants, from lawyers, from judges of courts, from county officials, from farmers, and people in every walk of life telling me that not only are the people without means but they are actually starving, and there is no relief in sight.

I had a telegram this morning from the chairman of the Red Cross drought relief committee in one county in my State, in which he told me that 1,400 families in that county alone were depending upon charity for bread. I have this other telegram that I shall read merely to show what the situation is as to livestock. This comes from Earl, in one of the rich agricultural counties of the State, but one that has been almost destroyed by drought:

Earl received no aid from Red Cross relief of human suffering. Some 3,000 mules in territory and more stock running at large in fields. Farmers unable to buy feed. If no relief soon, large per cent of mules will starve before money available for feed is paid. Is there anything you can do?

That dealt with stock. I have here a letter from a county judge, a man of large experience, in which he said that one-third of the people in his county had no means of subsistence; that the public morale was destroyed; that the finances of the county were locked up in closed banks; and that no one was extending relief.

I have here, Mr. President, letters—only a few of the many that came; some of them, as I said the other day, written by farmers whose hands are so cramped from toil that they are hardly legible—all bearing testimony to the same effect, that suffering is widespread, that actual starvation had commenced, and that no relief is being received

from any source. I intend to put these in the RECORD, if I may, although they do not constitute one one-hundredth part of those that have come to me from perfectly reliable sources telling of the situation that exists in the States.

I called attention to it the other day. I want to read again one paragraph from a letter of a very well known lawyer, a man of high character, in one of the counties, where, after a statement of the opponents of this bill that food ought not to be furnished, he said:

The Red Cross has done nothing, and proposes to keep on doing so. A lady who claims to be the head of the Red Cross relief for five counties had lunch in my home yesterday. She informed me that the Red Cross did not intend to help the share croppers on the large plantations; that it would be up to the plantation owner to look after his own tenants and croppers. To arbitrarily take such a stand leads me to believe that we must look in other directions for relief. Delayed relief will fail to accomplish its purpose, for thousands of our people will not be able to subsist for another 30 days.

Then he says that he made an actual survey of some of the people on the farm.

In the first home I found 15 pounds of flour, 10 pounds of meal, 3 or 4 pounds of lard, and 2 pounds of meat; in the second home, 10 or 12 pounds of flour and 3 or 4 pounds of lard; in the third home, not more than 10 pounds of flour and 2 pounds of meat.

And he added:

These are typical of the entire rural population in that community.

Remember, that is all there is. There is not anything back of that; and in the same letter he said that school children were actually undergoing slow starvation.

The newspapers this morning said that Mr. Hoover had won a great victory in the two relief bills. If it be a victory to doom innocent women and children to slow starvation, why, God bless his soul, let him have whatever glory is attendant upon that great victory, because in this measure he has won that victory. There is not a mouthful of food in this bill for a single starving woman or child in America. If it be a great victory to protect from increased taxation the men who piled up huge fortunes while the sons of these starving men stood in the mud and blood of the trenches in France—if it be a great victory to protect these fortunes against an increase of taxation, although the bone and sinew of this country starves—the administration has won it, Mr. Persident; and I am not deceiving myself. There is not any relief in this bill. There is not any disposition to relieve starvation in this bill.

There is no use for us to pretend that we hope that the Secretary will liberally construe it. He will not do it. There are people who think a great victory is won if the Government shall refrain from aiding suffering humanity. I have noticed their letters in the papers. I have read editorials along that line. Some poor fellow up at Lewiston, Me., the editor of the Lewiston Sun, wrote an editorial chiding all of us who thought that starvation ought to be relieved, even though taxes should be increased. He thought so much of that childish effort of his that he marked it and sent it to every Member of the Senate.

A Mr. Randall, in Baltimore, wrote me a letter which came this morning, inclosing a clipping from the New York Herald Tribune, written by a man by the name of Hubbard, congratulating the people upon the fact that Mr. Hoover was resisting a raid on the Treasury in the way of a dole.

Not only do they want to deny suffering humanity the right to live and the starving the right to be succored, but they want to insult them merely because they have dared ask their own Government for relief, because these imagine that the word "dole" carries with it some implication that it is a degrading thing.

Mr. President, Great Britain has paid a dole, although their tax rate is nearly a hundred times ours, and I believe Great Britain is more to be honored that she did tax her rich and keep the poor from starving than if she had adopted the policy of this administration, and said, "We will conserve the wealth of the rich, although the manhood and womanhood and childhood of the nation shall starve."

That is the situation which confronts us. I am not criticizing the conferees. I am satisfied with what the Sen-

ator from South Carolina said, that they were told that they must take this or get nothing, and they took it.

The spokesman for the administration was not represented among the Senate conferees. The administration's voice was heard from the conferees on the part of another body, and when they said, "This administration will not stand for food. You may put in some word that will enable you to console yourself that you come as near as you could to feeding the hungry," and you will know that they spoke the language of the administration and the interpretation the administration will put upon this bill.

Somewhere in the Bible there is said "people asked for bread and were given a stone." That is what this measure does.

Fortunately or unfortunately, I do not subscribe to the theory it is entirely proper to accept charity from charitable organizations, but highly improper to accept relief from one's own Government.

Every generation has created more wealth than it has consumed. If that were not true, we would not have the cities and the towns and the homes, the railroads and the other instrumentalities which serve civilization. Every bite every man and woman will eat to-night somebody's hands produced. Every yard of silk which will adorn some fine lady's person to-night represents the toil of somebody. Human labor created every dollar of wealth there is. As I undertook to say the other day, banks do not create wealth, lawyers do not create it, educators do not create it, governments do not create it, statesmen are not creators of wealth, newspaper editors do not create wealth.

For every dollar of created wealth somebody's back ached and somebody's brow sweated. Therefore the people who are now being denied relief are the ones who are feeding the rich to-night, they are the ones who are clothing the rich to-day, they are the ones who supply the vital necessities of life for all people. They will feed the President of the United States to-night, they will feed the Secretary of Agriculture to-night. Yet the administration would strike down their hands when they ask that they may share a little of the wealth they created and that they may eat some of the bread their toil produced.

I think that if there be any discredit, there is a discredit resting upon the Government which says to the people who created the wealth, "When misfortune overtakes you, you may not ask the Government which you created, the Government which you defended, the Government which you supported, for aid. You must go to a charity organization and get private charity." That is a reflection upon the very Government they created, and not upon the people who ask for relief.

Whatever we may think of the present dominating character who holds in the hollow of his hand the destiny of the Italian people, when an earthquake destroyed one of their cities and many of their towns last summer, and charitable people were cabling offers of relief, he said, "The Italian Government owes it to its people to succor them, and will do so." I think that if nothing else shall outlive his tenure of office, that acknowledgment that the Government should take care of the people who support it ought to give him immortality in history. It is a creditable thing to recognize that the people who made the Government, who supported it in time of war, and who maintained it in time of peace, who produced its wealth, are entitled to be protected when misfortune overtakes them of such a nature that they can not protect themselves.

Mr. President, there has been no disposition on the part of the farmers of the United States to raid the Treasury. Whoever originated the charge that the farmers of the United States did that is guilty of one of two things—monumental ignorance or absolute lack of veracity. They have not done it. Up to very recently, and I presume to this very time, the farmers have produced nearly three-fifths of the volume of our foreign trade. Ever since the Civil War, if it had not been for the agriculturists, the balance of trade would have been against the United States instead of in favor of the United States.

The farmers furnish more than two-fifths of the freight that is hauled on the railroads of this country. When America's honor was at stake upon the bloody battlefields, wherever it was, whether in the United States or in France, they furnished a larger number of men who laid down their lives to defend the flag than any other group in the United States. And now when misfortune overtakes them, when by thousands they are literally starving and their wives and children are starving with them, and they ask the Government which they created, the Government which they defended, the Government they maintained in time of war and in time of peace, to be permitted to share a little of its bounty, that they might have the same right that it extends to dumb brutes, they are denied.

I close as I commenced. The papers say that Mr. Hoover won a great victory. I think he won the kind of a victory referred to by Wellington when he rode over the battlefield of Waterloo and said, "Another victory like this will destroy us all."

The President won a great victory. He saved a few million dollars and he shut the hearts of millions of praying mothers and suffering children against any appeal he may make in the future. If he is proud of his victory, I am sure that he alone will rejoice.

Mr. SMOOT. Mr. President, I wanted the Senate to understand that one statement by the Senator from New York impressed me greatly, and I thought to myself, "I believe that I could suggest to the Senator a plan whereby all the poor in the State of New York—and I might just as well have said the United States—could be taken care of if it were put into operation."

The Senator asked me, "Well, what plan is it?" I said: "This is the plan: If every person in the State of New York would forego eating one meal a week and give the cost of that meal to a fund to take care of the poor of the United States, there would be no suffering for food in the United States." I think the same plan would work from one end of the country to the other. That is what I said to the Senator from New York when I went over to speak to him, and it was brought to my mind by a statement which he made, in answer, I think, to the Senator from Arkansas.

Mr. NORBECK. Mr. President, I desire to ask the distinguished Senator from Oregon, having this report in charge, whether the measure covers hailstorms?

Mr. McNARY. Mr. President, the language of the measure refers to drought-stricken and storm-stricken regions. A hailstorm is one of nature's agencies of destruction, probably the worst in certain sections of the country, particularly that part of the country from which comes the Senator from South Dakota. It is my opinion that a hailstorm would come directly within the provisions of the act.

Mr. BORAH. Mr. President, just a word. I think I understand the situation as it presented itself to the conference committee. It was necessary to make concessions in order to get a report at all, and I presume the conference committee, as well as all others here, felt the necessity of having some bill passed before the holidays. For myself, I am very anxious to see some measure of this nature, whether sufficient and efficient or not, passed before we go away for the holidays.

Mr. President, I wanted further to say that I am very clearly of the opinion that in bringing about this compromise the conferees had to waive any provision with reference to the purchase of food. I myself can not, under the circumstances, see any authority in the conference committee bill for the purchase of food.

The administration has contended, and the Secretary of Agriculture has contended, that the supply of food is not an incident to crop production. They have stated over and over again that they were willing to see money appropriated for the purpose of doing all things necessary to bring about the production of a crop for the next year. But they were unwilling to have any provision which would provide for the purchase of food. That is the construction which they have placed upon it.

When we go into conference and deliberately strike out the word "food" and all language with reference to food and put in a clause which provides "for other purposes incident to crop production" and when those who will construe it have already construed it that the purchase of food is not an incident of crop production, there can be only one construction expected in the future. However, as I said, I realize we have abandoned that proposition, but I am not going to oppose the final passage of the measure because in its present form it is infinitely better than that we do nothing prior to the holidays. Before two months shall have passed we may be compelled to reconsider this matter of food.

MR. CONNALLY. Mr. President, when I read the newspaper this morning to the effect that the Senate conferees had extorted from the House an agreement to make this amount \$45,000,000 and providing that the Secretary of Agriculture might extend food loans, I was very much gratified. I thought that for once the Senate conferees have come back with a little slice of bacon. But when we consult the report and when we hear the exposition of the Senator from South Carolina [Mr. SMITH] this delusion is absolutely and rudely dissipated. The bill, as it stands, simply means that we are going to authorize an appropriation of \$45,000,000 and that the Senate is surrendering on the real emergency provision for relief that was in the bill which passed the Senate.

The Senate, as I recall it, voted unanimously for \$60,000,000, and it voted unanimously to extend loans for the purpose of feeding hungry men and women, and, if you please, babies. By reason of the exigencies of the situation we shall probably have no other alternative except to vote for the conference report, but I am going to vote for it with no illusions. Everybody knows that the Secretary of Agriculture from the beginning has said that it is not a proper function of Government to feed human beings. I do not subscribe to that doctrine. I do not believe it is statesmanship to feed mules in preference to human beings, or that it is unsound and beyond the province of Government to provide loans to feed our hungry people when they are hungry through no fault of their own.

The Weather Bureau the other day said that the drought which visited this country in 1930 was the worst in the history of the United States, bringing more suffering and covering more territory than ever before. That is a condition for which the people are not responsible. Who is responsible for creating the belief throughout the country that the Federal Government is going to do something for the drought-stricken people? We did not originate it. There was a national conference called in Washington on drought relief. The Secretary of Agriculture was appointed chairman of a great national drought relief committee, and that committee was going to do something for the relief of the drought-stricken people.

In my State a committee was appointed. They had a state-wide meeting. I attended it. It appointed a committee to come to Washington at once and consult with various departments. I came with that committee at my own expense. We consulted the Department of Agriculture and all it had to tell us was a lot of mouth-filling phrases, to go back down home and coordinate and cooperate and do a lot of things of that kind with local agencies; "see the Red Cross; organize local committees; organize your own finances and feed yourselves." That was the program then.

Mr. President, I have no animus against the Secretary of Agriculture. I am not talking about him. I am talking about his ideas. What does he propose? He does not believe it is right to grant food loans. He does not want to be given the right to grant them. He told the committee that he does not want it, which is as much as to say that if he has the power to decide, he will decide against it. When we consult the records as to the legislation and see where the Senate receded from inclusion of the word "food," and where the House of Representatives struck out the word "food," we know that the courts, of course, would consider the proceedings and would say there was no power to loan for food because the Senate had deliberately surrendered. But this matter will never go to a court. There is no way of ever

getting a decision of a court. We are authorizing this member of the Cabinet to make the decision and from his decision there will be no appeal. No one has such a legal right to this fund that he can go into court to compel a loan for food.

So, Mr. President, we shall have to vote under the circumstances for the conference report, but the Secretary of Agriculture and his drought-relief committee are perpetrating upon the drought-stricken sections of the country a great disappointment. They agitated it. They incited and built up the hopes of the people that they were going to get some relief. In my State there are 75 counties which suffered from the drought, 75 counties recognized by the Secretary of Agriculture, because he authorized reduced freight rates into and out of those counties for the shipment of feed. The inhabitants of those counties are not paupers. Many of them own their own homes. They come from thrifty sections. Some counties in this area have suffered from the drought for the past three years. They have no money with which to buy seed or feed, and they have no money with which to buy food.

The Government recognizes that fact. The Government has said, "We know you have no money to buy seed and feed, and therefore we will give you money with which to buy. We also know you have no money with which to buy food, but our philosophy of government will not permit us to accede to your request for money to buy food." According to the Secretary of Agriculture and his advisers, a cow and a calf are more valuable and more desired to be permitted to live than a mother and a sucking babe. The Secretary of Agriculture and his advisers are strong for fertilizer. If an old hillside has become impoverished in its soil, open up the Federal Treasury and give them some fertilizer to enrich that old hillside; but if a human being is impoverished, do not contribute a cent to enrich the blood stream and give that human being a little sustenance. That is their political philosophy. That is their idea of statesmanship.

Mr. President, I dissent from that doctrine, and when I vote for the conference report, as I suppose I shall have to do, I do not want anyone to labor under the delusion that I am agreeing to the premises upon which the body at the other end of the Capitol struck out the word "food," and I do not want them to believe I am acting under any intellectual fiction such as that upon which the conferees acted when they said they could strike out "food" with a sledge hammer and by finesse insert a few cryptic words and by some art of interpretation on the part of the Secretary of Agriculture bring "food" back into the bill. "Food" is not in the bill. Mark my prediction, unless we adopt some other measure when we return here after the holidays, under the administration of the Secretary of Agriculture no loan for food will be made from this fund.

It has been pointed out in the splendid address by the junior Senator from Arkansas [Mr. CARAWAY] that we have appropriated generously of our money to feed the hungry in other lands. I wonder what kind of an appetite a Russian has that makes it any more necessary to satisfy that appetite than the appetite of an American citizen who fights our battles in time of war and does the toil and labor of the country in time of peace? I wonder why it is that a name we can not spell or pronounce should have more attraction for the bounty of the Government of the United States than the good old Irish or Scotch or German stock that peoples these areas visited by the drought? The opposition to granting food is of a small microscopic type of statesmanship—feed a mule, and let the man who owns the mule starve!

I have a letter from a prominent citizen in one of the counties in my State appealing for help.

Last Saturday a farmer came before our local welfare committee and said he had 9 children and his son had 3, making 16 mouths to feed and nothing to feed them on. Our welfare league and our citizens are doing all they can, but the load is getting too big, and it does seem that immediate relief could be managed.

I am going to wire that man to quit raising children and begin raising mules. [Laughter.] And then the coffers of the Federal Treasury will respond to his appeal.

Mr. President, the people are to be told to go to the Red Cross; but these appropriations are not for charity; they are not for gifts. The history of seed and feed loans is that more than 80 per cent of all the money loaned under any form of relief of this character has been repaid into the Treasury. But our statesmen say, "Go to the Red Cross." Yes; go to the generous, go to those with big hearts, who go down in their pockets and out of their charity contribute to the Red Cross; but do not go to those old hard-hearted who will not pay money except when the Government extracts it from them by law; do not let them contribute anything.

The Senator from Utah [Mr. Smoot] proposed a wonderful plan of relieving the distress. If the Senator from Utah will present such a bill to-morrow to the Finance Committee I will vote for it, as I am a member of that committee. His proposal is to make every human being in the United States go without one meal a week and turn over the equivalent of the cost of that meal to a relief fund. I will vote for it in the committee and I will support it on the floor of the Senate. But the Senator from Utah knows that such a proposal is a dream. He knows that is a figment of his elastic imagination. He knows no one will do it, and he knows there is no power on earth than can make anyone do it. The only way we can make anyone contribute the equivalent cost of a meal a week is by a tax law. The Senator from Utah shakes his head. The Senator from Utah and his committee have the power to bring in a measure taxing the people and turning that money over to the uses to which he says it ought to be put, but he will not do it; and yet that is the only way it can be done. Therefore, the Senator from Utah is not in favor of doing it. A man who wants a thing done should be willing to employ the only method by which it can be done. The idea of the people surrendering one meal a week is a dream.

Mr. SMOOT. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Utah?

Mr. CONNALLY. I yield.

Mr. SMOOT. I did not say that it could be done; I merely suggested that if such a plan could be adopted by the people of the country it would probably be the easiest way and the best way possible that I could think of to relieve the entire situation.

The Senator knows that the Finance Committee can not act upon any tax measure until the House has first acted upon it. I had no thought of legislation along the line of my suggestion. I merely indicated that it would be a splendid thing if the people of the United States would follow such a course; that is all.

Mr. CONNALLY. I agree with the Senator; I realize the Senator's motives were good, but the process he suggested was absolutely impracticable.

Mr. BARKLEY. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Texas yield to the Senator from Kentucky?

Mr. CONNALLY. I yield.

Mr. BARKLEY. The only fault with the suggestion of the Senator from Utah is that one meal a week would not accomplish the purpose.

Mr. SMOOT. I think it would.

Mr. CONNALLY. Let me say to the Senator from Kentucky that one meal a week of the kind the Senator from Utah probably eats would do it. [Laughter.] One meal a week, costing, let us say, a dollar—and I am perfectly willing to accept the proposition of the Senator from Utah if he will put it in effect—a dollar a week for 120,000,000 people would be \$120,000,000 a week, and for four weeks it would be \$480,000,000 which the Senator from Utah thinks the people ought to contribute for one month to feed somebody. Yet when he has an opportunity of voting to appropriate \$60,000,000 to feed 120,000,000 people he holds up his hands and says, "Oh, we can not do that; it is not sound political policy; it is not sound economy; it is not sound philosophy."

Now, Mr. President, hungry people will find out that this bill is a tragic and a serious disappointment. Senators may

smile, but I want to tell them that there is suffering in this country; there is suffering to-night; there is hunger to-night. In counties in my State ordinarily prosperous people have had to leave their homes and go out and hunt employment elsewhere. With no food in the larder, with no money in their pockets, and with their property all mortgaged at the banks, and the banks having loaned all they can loan, what are they going to do? I believe that a great Government like ours in an hour such as this should not say, "Nay." It has extended charity to other peoples over the earth. Mr. President, let it not be said that it is generous to every people save our own.

Mr. THOMAS of Oklahoma. Mr. President, I shall detain the Senate but for a moment. I am opposed to this conference committee report. I ask at this time to have read at the desk a telegram from the chairman of the Oklahoma's governor's committee for employment.

The PRESIDENT pro tempore. Without objection, the clerk will read.

The Chief Clerk read as follows:

OKLAHOMA CITY, OKLA., December 16, 1930.

Hon. ELMER THOMAS,

Senate Office Building, Washington, D. C.:

Governor's committee for employment composed of representative men from every section of State, numbering 22, unanimously indorse resolution to the effect that amount proposed for farm relief by lower House of Congress wholly inadequate to meet situation. Conditions in southwestern Oklahoma are bad and are getting worse. Many farmers have absolutely nothing with which to go through winter. Representatives from southwestern section of State confident that, while local expedients may carry farmers through next two months, they must have relief not only in way of feed for stock and seed for planting, but that provision should be made for food for themselves and families. Committee recommends that this be in form of a loan to be secured by crops and land and to include liberal terms of repayment. Committee indorses sum provided by Senate resolution.

J. F. OWENS,
Chairman Governor's Committee for Employment.

Mr. THOMAS of Oklahoma. Mr. President, before I left my home for Washington, I was thoroughly familiar with the conditions there. I came across the country through Missouri, Illinois, my old home State of Indiana, Ohio, and Pennsylvania. When I reached Washington I was more thoroughly convinced than ever of the deplorable condition which exists throughout that section of the country. The President, in submitting his message to Congress, devoted half of it to a discussion of the distress prevailing throughout the Nation. Acting upon what I knew to be accurate information, acting upon the message of the President, I submitted a resolution proposing the creation of a select committee to make a survey of the entire country, and then to suggest some relief to take care of the situation. When I asked unanimous consent for the consideration of that resolution, objection was made. At a later date I made a motion for consideration of the resolution, but when a vote was taken a majority rejected it. I could not understand that action then, but I can understand it now. It was the purpose then to do nothing of any substantial consequence to relieve this situation.

Now, after three weeks of consideration, we have before us a conference committee report, and I want to call the attention of the Senate to the last section of that report. It is demonstrated, I think, by this report that nothing is provided in the joint resolution for food for human beings, and yet a farmer can borrow money to buy wheat, a farmer can borrow money to buy corn, and after he has secured a loan and purchased wheat and corn, if conditions should arise whereby he should feed some of the wheat or some of the corn to his starving wife and children there is a penalty provided in the last section of the joint resolution of a fine not exceeding \$1,000 or imprisonment not exceeding six months in jail or both. That is the penalty provided by this joint resolution in the case of a farmer who borrows money from the Government to buy wheat or corn with which to feed his stock, and then uses some of the wheat or corn to feed himself and his family. He is subject to a fine not exceeding \$1,000 or imprisonment not exceeding six months in jail, or both.

Mr. President, I can not subscribe to such legislation; and, for the reasons I have just stated, I shall vote against the conference committee report.

Mr. NORRIS. Mr. President, if any other Senator desires to speak, I will not seek the floor. I will not claim it until everybody else is through.

Mr. President, I want to refer to just a few things that apparently some Senators have charged against the conference committee of which the members of that committee are entirely innocent. The Senator from Oklahoma [Mr. THOMAS], in practically the last sentence he spoke, made an attack upon that part of the joint resolution providing a penalty. I have here a copy of the report of the conference committee, and I read the penalty provision from it, as follows:

SEC. 2. Any person who shall knowingly make any material false representation for the purpose of obtaining an advance, loan, or sale, or in assisting in obtaining such advance, loan, or sale, under this resolution, shall, upon conviction thereof, be punished by a fine of not exceeding \$1,000 or by imprisonment not exceeding six months, or both.

That provision was in the joint resolution as passed by the House. Now, let me read from the joint resolution as passed by the Senate.

SEC. 2. Any person who shall knowingly make any material false representation for the purpose of obtaining an advance, loan, or sale, or in assisting in obtaining such loan, advance, or sale, under this resolution shall, upon conviction thereof, be punished by a fine of not exceeding \$1,000 or by imprisonment not exceeding six months, or both.

Does any Senator find any difference between the two? Is there a difference? The capitalization, even the punctuation, everything is the same. What has the conference committee got to do with that? That was not referred to the conference committee. Is the penalty severe? Is it wrong? Should it be omitted? If so, the Senator's eloquent voice ought to have been raised when the joint resolution was before the Senate. The House had passed the joint resolution containing that provision and the Senate passed a resolution containing an exactly similar provision; the penalty is identical; there was no disagreement between the House and the Senate. What had the conference committee to do with it? They had not any more to do with it than the man in the moon. It never was submitted to them. The Senate is to blame for it if it is wrong. Why did the Senate pass it? Why did not the Senator oppose it then, if it is wrong? I am not arguing whether it is right or wrong; I am calling attention to the injustice of the charge being made here against the conference committee.

Mr. THOMAS of Oklahoma. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Oklahoma?

Mr. NORRIS. I yield.

Mr. THOMAS of Oklahoma. When the joint resolution was passed by the Senate it provided for the furnishing of food to human beings.

Mr. NORRIS. Suppose it did?

Mr. THOMAS of Oklahoma. That provision has been stricken from the measure.

Mr. NORRIS. Exactly; suppose it has been?

Mr. THOMAS of Oklahoma. My suggestion was that under the joint resolution as agreed to in conference a farmer can borrow money with which to buy seed or he can borrow money with which to buy seed corn or seed wheat; and if his family were hungry and he had nothing else to feed them and he should choose to use some of that wheat or corn for food for his starving family he would be subject to a penalty. My attack was not upon the penalty especially, but it was upon leaving out of this joint resolution the item of food.

Mr. NORRIS. Yes; but the Senator complains of the penalty. I do not want to take up the time of the Senate to argue it; it was once before the Senate, and that is the time when the attack should have been made if the provision is wrong. If the penalty is too small, it should have been increased; if the penalty is too great, it should have been decreased; but it was not a question that was submitted

to the conference committee. Suppose the conferees had made the penalty \$500 instead of \$1,000, what could have happened? A point of order could have been made against the report, either in the House or in the Senate, and it could have been sent back to conference. A mere technicality would have thrown it out.

I want to call the attention of the Senate to what was before the conference committee. If it were not that it might prolong the agony of suffering of many people, if it were not because of the suffering which is immediate, if it were not because of the emergency which now exists, and which has been described so often here this afternoon, I would be glad to see the measure go back to conference.

There is suffering now, there is starvation now, to-day, at this hour; perhaps many have died from starvation while we have been talking about it. An emergency! What could the conference committee do when we had the proposition put up to us—take this or take nothing? That is what we were up against—take this or go empty handed. I confess, Mr. President, if I had felt we could not get even \$45,000,000 in conference and would have had to take \$30,000,000, I would have accepted it before I would have broken up that conference.

There is need now not only for food but for seed. If we are going to supply seed to the farmers, we have got to get to work immediately, right now. Arrangement must be made in the southern part of the United States for planting if planting is going to take place. That does not apply to all sections of the country; but everybody knows it is going to take some little time for the Secretary of Agriculture to put into operation the machinery to locate the suffering and the need. He can not commence to-morrow if we dispose of the measure to-night, and everybody knows that before he can make the arrangement, the farmer who is going to get seed must find it out before he plows the land where the seed is going to be sown or planted. It is going to take a little time to set up the machinery and put it in order. Every hour counts.

We knew—we thought we knew, we might have been wrong—that Congress was going to adjourn to-morrow, and if we refused to bring in a report and Congress adjourned it would be two weeks before we could have another opportunity to pass on it. Delay was staring us in the face; and I am not one of those who cares about adjourning, either. I will vote against adjourning and stay here all the time; and the other conferees are not anxious to adjourn. But we have been here some time, and we realize what happens when a holiday comes along. I have seen attempts made, and I have made them in connection with others, to prevent a holiday recess, and we did not get to first base. We tumbled over each other for a holiday recess, and we are going to have one this time, I think. The same thing will happen again; and I am not complaining of the man who wants a holiday recess. It is almost immaterial to me. I think that is true of most, if not all, of the conferees. They probably will not be able to go home, anyway; so that did not move us. It was not because we were anxious to get away or have a recess, but because we knew from experience that that had been the usual custom of Congress, so far as I know, without any exception; so we are confronted with it.

Mr. HEFLIN. Mr. President—

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. NORRIS. In a moment I will yield.

We were confronted with the fact that even in the House, where under their rules a conference report must lie over one legislative day and can not be taken up except by unanimous consent, in order to meet that contingency the House conferees had succeeded in getting a unanimous-consent agreement in the House that permitted the House conferees to have until 12 o'clock last night to file this conference report, so as to obviate the difficulty that would arise, if it should not be filed until to-day, of compelling it to go over until to-morrow. They have taken even that precaution, and we knew that if we failed to agree on a

conference report so that it could be written up and signed before 12 o'clock another day would have been lost with the possibility that an adjournment might take place before the conference committee report could be acted on.

I now yield to the Senator from Alabama.

Mr. HEFLIN. Mr. President, the Senator will agree with me that there can be no adjournment unless this end of the Congress agrees to it.

Mr. NORRIS. Yes.

Mr. HEFLIN. What is the necessity for hastening adjournment on to-morrow instead of next Tuesday?

Mr. NORRIS. I do not care about adjourning to-morrow. I do not care about adjourning next Tuesday. I am willing to stay here on Christmas and Sundays.

Mr. HEFLIN. I understand that adjournment to-morrow until the 3d or 5th of January is being suggested.

Mr. NORRIS. Yes; I understand that tentatively an adjournment has been agreed upon, to commence to-morrow. That may not go through. I do not know.

Mr. HEFLIN. To what time in January?

Mr. NORRIS. I do not remember. I do not know that I heard, and I do not care.

Mr. HEFLIN. My position is that if this conference report should be rejected, and if the conferees should go back and ask for a further conference with the House, they could get the word "food" inserted.

Mr. NORRIS. That may be. The Senator may be right; and I am coming to that in a few minutes.

Mr. HEFLIN. We could work on it until next Monday, at least, and then adjourn on Tuesday.

Mr. NORRIS. That may be. If the House and the Senate had said to the Senator from Alabama, and perhaps to me with him, "You can fix this up just as you want to; we will adjourn when you say," that would be all right; but they will not do that. I have tried it before. Maybe the Senator can do it; but I tried it, and failed. I saw several of us try to prevent a holiday recess, and I saw the machine run over us and flatten us out in five minutes' time. We were out of breath; we were all gone; and I expect to see that happen again.

I am willing to go with the Senator from Alabama, get in front of the machine, and let it run over us again, if he wants to; but we can not foresee—and the conference committee of the Senate could not foresee—that there was going to be a different result next time than there always has been in the past. So we were confronted with a condition: An adjournment in front of us; suffering all over the United States; take a half loaf or get no bread. That is what was put up to us, and we decided to take a half loaf.

I am not ashamed of it. I would do it again. I think we were right, although the representations made to us may have been wrong all the way through. Perhaps if we had stood out, and not had any agreement, there would have been no conference report here to-day. I do not know what would have happened. There would not have been any report. Somebody would have had to take some action to get the conferees together again. I do not know how it would have come out. Maybe you know. Maybe these other Senators know more about how to run that than I do, and more than the other conferees do; but we thought we were up against a stone wall. We did know—I think we knew—that as far as the House conferees were concerned, we could not have gotten a penny more.

We do not like this conference report any more than anybody else does. We did not want to prevent the loaning of money for the purpose of buying food for starving men, women, and children. We were all in favor of the food provision of the Senate joint resolution, just as much as you are, and I think we have food in it yet, as I am going to try to explain a little later on in my remarks. It is not in the measure as I should like to see it there. It is not in the measure as the other conferees would like to have had it. There is no question about that; but we had to take it indirectly or not get it at all, and this is what we got.

I had not any doubt but that food was in there. I have some doubt now. The only reason I have doubt is because Senators much more learned than I take the opposite view. My education was very sadly neglected when I was young, and, of course, there are other Senators here with college educations, and who have several capital letters with periods after them following their names; and they may know how to construe this language better than I. I confess that I have some doubt now. I did not have any when the report was made. There was not anybody on the conference committee who had any doubt then; but we have heard Senators who, I will concede, know much more than I do, say that it is not in the measure; and they may be right. They may be right.

I confess I would have agreed to the conference report even if the qualifying words that we succeeded in getting in had been left out. I would rather have taken \$30,000,000 than nothing. In other words, I would rather have taken the House joint resolution than to get nothing.

It may be, in the administration of this law, if the Secretary of Agriculture has his eyes opened by the fact that there are millions and millions of people suffering that he did not know about before, that that which is the most acute he can relieve with what there is in the joint resolution, and come back and get some more money to finish the job. That may be.

It is said that the administration of this measure must go to a Secretary of Agriculture who has no sympathy with that. Now, that is all true. Nobody understood that better than your conferees did; but they were not to blame for that. The Senate passed a joint resolution providing that the Secretary of Agriculture should be the instrumentality by which these loans should be made and this relief should be given. The House joint resolution was in identically the same language. We could not change that. We had no authority to change that. Do not blame us. Blame yourselves. You did it. You are to blame for it. If that is wrong, why did you not strike it out, and let somebody else administer the act?

Both the House and the Senate joint resolutions, with very few exceptions, are word for word, comma for comma, and period for period exactly the same; and everybody knows that as a parliamentary proposition your conferees could not change that. We were helpless. You are to blame because you passed it in that form. If that form is wrong, blame yourselves. Criticize yourselves a while for what you did. You knew that the Secretary of Agriculture did not want to distribute food when you passed the Senate joint resolution, did you not? It was no secret. He had not covered it up. You knew he was unfriendly to that kind of a distribution when you passed it. Why did you put it in his hands? Why did you not put it in somebody else's hands? Do not blame us for your own blunders, if they are blunders; for your own mistakes, if they are mistakes; for your own carelessness, if it was carelessness. That has passed the stage of dispute. That has passed beyond the point of argument. The Senate and the House have both agreed, word for word, that the Secretary of Agriculture shall be the person to administer this relief, and he is unfriendly as far as the use of food is concerned. He is opposed to a \$60,000,000 appropriation. He thinks the smaller amount is right. You knew that when you passed it. We all knew it. Do not blame the conferees. They could not help it.

Mr. President, I think the Senate conferees were confronted with the fact that they had to take what they brought to you or bring you nothing. They had to do one or the other. The conference did not last very long. Everybody knew we had to get through by 12 o'clock if we were going to get anything. We only had until then to do it if we were to permit the House conferees to file their conference report before the end of the day and prevent it going over until to-morrow, which would have been the last day, probably; and we were informed that there was some doubt about there being a quorum here even on Saturday. I have seen those things happen before.

That might happen; somebody might make a point of order, and we might not be able to get action, and again the delay would come. So we said, "We must do this before 12 o'clock. We must agree to something." The conference committee broke up twice, conferees left, and then were soothed down again and brought back and went over the matter again, when they were reminded of the fact that unless we made some kind of a report there was going to be suffering all over the United States which was not going to be alleviated. They came back again, took up the matter again, started at the beginning again, went all over it again, and I want to say to the Senate that I am just as much convinced as that I am standing on the Senate floor now that there never would have been a report if the Senate conferees had not agreed that in the language of the report the word "food" should not appear. Perhaps that may seem foolish to Senators, perhaps it is foolish, I am not denying that, but that is what we were confronted with. We wanted to put in a provision for food without saying it, and we tried our best to do it, and I think we succeeded. I have to admit, however, that where there is some matter of doubtful construction, the Secretary of Agriculture, who is unfriendly to our stand, is to pass upon it, that is true. But I saw no escape from that, and I do not see any now.

Mr. SMITH. Mr. President, I would like to ask my colleague on the conference committee whether it was not true that we could have come nearer, perhaps, to getting a larger amount, than we could have to retaining the word "food."

Mr. NORRIS. I will say to my colleague, and I think he will bear me out, that no matter what we had done, no matter if we had said, "Let the authorization remain at \$30,000,000," we could not have gotten the word "food" in.

Mr. SMITH. That is the point I am making.

Mr. NORRIS. We were simply told, "There will be nothing done unless the word 'food' is out."

The conferees on the part of the House were not unanimous. There was one of the conferees on the part of the House who was with us all the way through in everything we tried to do, but he was in the minority, of course; and I will say for the others that the reason they gave to us was that it was not so much what they thought about it, but what they were convinced the House thought about it. They did not think they could put through the House any such conference report as we suggested. I have no doubt but that they were perfectly honest in what they were telling us, and I took it that they knew what they were talking about. I became convinced that they did. I am not criticizing any member of the conference on the part of the House. I want that understood. I think they were acting in perfect good faith when they said, "We can not put that through the House." They convinced us that they could not do it; at least, I believe that. I admit they may have been wrong. Perhaps I was wrong. Perhaps if we had refused to agree, something would have happened that would have brought about a better solution of this matter than we have brought to the Senate. I have to admit that.

Mr. SMITH. The Senator will admit that if there had not been a recession on that word "food," the conference would have broken up, so far as last night was concerned?

Mr. NORRIS. There is no question about that, no question whatever about it. We were told that over and over again. We wanted to fix the authorization at \$60,000,000. I agree with the argument that is made about the \$60,000,000—we made it numberless times last night—that it is not an appropriation, it is only an authorization, and the Secretary of Agriculture would not be required to spend it if he did not want to. It would all be in his hands. It seems perfectly plain to me.

I suppose Senators feel that it is so plain that everybody ought to agree to it and say to the Secretary, "Here is \$60,000,000; you do not need to use more than \$5,000,000; you do not need to use a million unless you want to. It is a matter of discretion with you." We could not do anything, nevertheless. We have done the best we could. At least we

believed, and we believe yet, that it was the best we could get, and that if we had not accepted it there might be, God only knows how much delay. For that reason we agreed.

I want to say just a word about the construction of this language. There are a few changes, but as far as the grammatical construction is concerned, there is no difference between the House resolution and the Senate resolution. If Senators will take one, I will read the other, and if they will follow through they will see that there is a difference of only a word or two which has nothing to do with real meaning.

I want Senators to look on page 3, line 4, after the word "States," and to strike out down to line 5 through the word "exists." That is a parenthetical phrase. Eliminate that. It helps to make the construction clear. That is the practice that was followed away back in the old log schoolhouse where I went. If there was some misunderstanding about what a clause meant, we would take part of it out that had no direct connection with what was attempted to be said, but was like a parenthetical phrase. Now, let me read this:

That the Secretary of Agriculture is hereby authorized, for the crop of 1931, to make advances or loans to farmers in the drought and/or storm stricken areas of the United States—

Then comes the parenthetical phrase—

where he shall find that an emergency for such assistance exists, for the purpose of seed of suitable crops, fertilizer, feed for work stock, and/or fuel and oil for tractors, used for crop production, and for such other purposes of crop production as may be prescribed by the Secretary of Agriculture.

There is a period there, and that is the end of that sentence. I have read only one sentence. Take out the parenthetical phrase and read it again:

That the Secretary of Agriculture is hereby authorized—

Take out the little parenthetical phrase there—

to make advances or loans to farmers in the drought-stricken areas of the United States for the purchase of seed of suitable crops, fertilizer, feed for work stock, fuel and oil for tractors—

Now, leave out the next parenthetical clause—

and for such other purposes of crop production as may be prescribed by the Secretary of Agriculture.

That is the sentence with the parenthetical clause left out. We changed that by striking out "of" and inserting "incidental to." Let me read it now with that change and with the parenthetical clauses out:

The Secretary of Agriculture is hereby authorized to make advances or loans to farmers for the purchase of seed of suitable crops, fertilizer, feed for work stock, fuel and oil for tractors, and for such other purposes incidental to crop protection as may be prescribed by the Secretary of Agriculture.

Senators, I think that under that language the Secretary could buy food. We all thought so. As I said, I had no doubt about it until to-day. Now men who are wiser than I disagree and say that that would not cover food. If that is true, then no food can be bought under that provision. Other Senators say, "As long as there is any doubt about it, the Secretary will not do it, because he is opposed to it." I have to concede that that argument is good. I admit it. There was no way on earth to get away from that that I know of. We could not take the Secretary of Agriculture out of the picture, because the Senate had put him in, and so had the House. We had no way of taking away the administration of this law from the Secretary, and I want frankly to concede that under this language as it is the Secretary of Agriculture is not compelled to buy food.

To go back to where we put in the word "food," the same thing could be said, the same argument could be made, that he is unfriendly to it, and therefore that he would not include food. He would not have to under the Senate resolution. Just read it and see. It would be discretionary with him. A mandamus could not be brought to compel him to do anything under it. It would all be discretionary. He could look a starving man in the face and say he did not need food, if he wanted to, and you could not help yourself. So, as far as that argument is concerned, it is just as good applied to the Senate resolution as applied to the modified House resolution which the conference committee has re-

ported, and in their calm, deliberate moments, if they will look at it, Senators will agree that that is true.

Mr. President, if this joint resolution is passed as the conference committee has reported it, in other words, if the conference committee report is agreed to, this will be a law to-morrow, assuming the President will sign it, and I assume he will. I think it will be found, from what I have heard about it, that if an honest study is made of it, it will be found that the amount we put in the measure will not be enough. There will be found the necessity for getting food for many starving people, and I think the officials ought to do so. I believe they will. But if they do not, even for the other purposes, the feed and the seed for crops, when they begin to administer the law in localities where the farmers must be getting the feed ready now, they will use all this money before they will reach the more northern part of the country where assistance is necessary. They will probably use all this money, and we will have an opportunity to supply more if they find that to be the condition. On the other hand, I think that if we had rejected the conference report, and there had been no report, and should be no law, there would be thousands of farmers who would be unable next year to put in a crop because they would be unable to get seed.

Therefore it seems to me that as an act of common mercy, as an act of common justice, confronted, as we are, with the fact that the House of Representatives has disagreed with us, that they will not agree with us, and that we must come to their proposition or get nothing, there is nothing to do but to adopt this conference report.

If there had not been an emergency, there would not have been a conference report here in this form. If it had not been that there was suffering which we wanted to relieve at once, the conferees on the part of the Senate would not have agreed to what we had to agree to. We felt that we had to agree on account of the exigencies of the case. There was something confronting us of human suffering, and we felt that the only possible way through which relief could be afforded, although it was not what we wanted, was for us to do something, and to do it quickly.

Mr. HEFLIN. Mr. President, may I ask the Senator just one question?

Mr. NORRIS. I yield.

Mr. HEFLIN. Is it the belief of the Senator that the Senate conferees have accomplished all that it is possible for them to accomplish on this particular measure?

Mr. NORRIS. I think so. If I had not thought so I would not have acted on the report as I did.

Mr. SMITH. Mr. President, I want to say a word, as I was one of the conferees. I am sure there is not a Senator here who knows me intimately who would accuse me of being indifferent to the suffering that is abroad, especially among the farmers.

I invite the attention of the Senate to the fact that the Budget recommended \$25,000,000. That is an organization which has been set up by the Congress to guide us in the expenditure of money in emergencies and outside of emergencies and to keep us advised as to what is in the best interests of the public. The Budget is our standing committee. The House, with its Members fresh from the country, increased that amount \$5,000,000, making a total of \$30,000,000. The Budget, which is supposed to go into the relation of things and advise us, said \$25,000,000. The House, a coordinate body with this body, said \$30,000,000.

Then this body said \$60,000,000. It was not conceivable, in view of this cumulative evidence on the other side, that we could, in justice to the emergency to which the Senator from Nebraska [Mr. NORRIS] has called attention, stand out and get the \$60,000,000. If there had been no emergency, yet in view of the influence of the Budget, in view of the influence of the other body with this body, I doubt if we could have gotten the \$60,000,000.

It was shown to the conferees on the part of the other body that this is an authorization, that it is not an appropriation, and that every business in the world which wants to meet adequately a condition always has a reserve to take care of some condition which might not have been foreseen.

It was argued that every business man has a reserve force; that every business in the world which carries on has a little more capital than the actual business in the ordinary run of affairs requires.

We stood out for the \$60,000,000 and tried to show them that it was only an authorization; that no man could estimate and calculate to a certainty the widespread and unprecedented disaster which had overtaken the country. They did not seem to appreciate, and most of our Members in this body do not seem to appreciate, that two disasters have occurred, the cumulative effect of which has paralyzed the commercial and financial interests of the country—one an unprecedented drought in the heart of the food and clothing regions of the country, the other a financial depression world wide. The people suffering from the visitations of providence, had we been in the midst of prosperity, might have received such immediate aid as to make the emergency legislation unwise or not so exigent; but we had entered a financial and economic condition which, outside of any drought, might have called for our support of those of meager means, and there was added to it this other condition.

I said to my colleagues in the conference that I considered our plan the best form in which to relieve the starving in the country. We do not give them a dole. We say to them: "We are going to lend you this money to feed you and your work stock and to buy seed and give you a chance with self-respect and manhood to come back under the loan of the credit of the United States." I recognize, and every Senator should recognize, that the minute a red-blooded American citizen is forced by adverse circumstances to hold out his hand as a mendicant to get a loaf of bread and a bowl of soup as a matter of charity, we have destroyed the Americanism and the manhood and the self-respect of that individual.

I pleaded with my colleagues to use this as a means of maintaining the self-respect of the American citizen who, caught in this maelstrom of disaster, has been divested of every means of feeding himself and those dear to him, and not to destroy his self-respect. It is a loan rather than a gift. The bread line that is stretching across the country is made up of men whose self-respect is dead. There is not a man on the floor of the Senate who, if adverse circumstances forced him to ask for a loaf of bread and a bowl of soup, would not fail to lose his self-respect and whose patriotism would not be discouraged. It was to prevent such a thing that I pleaded.

The House conferees said, "We will not consent to have that word 'food' in the bill. What right have you to grant an appropriation for bread for the farmer and deny it to the city man? Make an appropriation for all the hungry or make appropriations for none." I thought this was the more prudent way, because we are lending these people the wherewithal with which to produce their bread and they can feed themselves while they are producing bread for the others.

We could not agree on that and so, as the Senator from Nebraska said, we were up against a stone wall. I could not convince those men; at least I could not persuade them to see this problem from the angle from which I saw it. I did my best to convince them. I want to say in behalf of my colleagues from the Senate that nothing forced us to sign this conference report but the fact that it was an emergency which brooked no delay. Seed must be provided and must be planted. Feed must be supplied for livestock that is perishing, upon which the farmer is dependent.

We thought that, under the language which we have interpreted as giving the Secretary of Agriculture ample room in the interpretation of the law, if he thought it was necessary to feed the starving families, he would do so. It flashed over my mind that if we wrote this language in there the responsibility would be upon him and not upon us. If I could not get the explicit word "food," I, at least, could get language so plain and clear that the Secretary of Agriculture could interpret that language to authorize him to supply food. Certainly if the man at the head of that department of our Government under his Commander in

Chief, the President, in the administration of this measure does not respond to starvation, he is unworthy of his high office.

When we incorporated that language, "incident to the production of crops," though I may not know the tricks of the legal profession, I was convinced as just a common-sense proposition that we had opened the door without a direct command to give him the opportunity to respond to suffering humanity. When we reached that point I said, "I am ready to sign that part of the report."

The other part, to my mind, did not constitute so great a difficulty, being the difference between \$45,000,000 and \$60,000,000, because I took it that the \$45,000,000, if it is found inadequate in its distribution, surely will be increased. If we are advised that it is inadequate, we will attempt to stem the tide of distress and starvation, we can go to the place whence the \$45,000,000 was appropriated and get enough more to meet the situation.

To have my motives questioned and to have it charged that I yielded without justification is unthinkable. Who is standing here and saying that I am less responsive to the suffering of those in the same business I am in than he is? I did not intend ever to criticize any of my colleagues, but a lot of talk that we hear in this body is politics, said for political effect only. "See what I would do," some one says. Why does he not do it? "I see the need of humanity so clearly. See what I would do!" Why does he not do it? He will find that he has to consult other people who are just as honest in their opinions as he is. He would try to make the impression upon the masses of American people that he would be the Moses to lead them out of the wilderness of starvation. Why does he not lead them? If other people will not let him have his way, why not admit that perhaps some others see it in a different light and are just as honest as he is?

Mr. President, I did all that I could do. I do not ever want to put myself in a class with the fellow who was on the jury. When they came out and the judge asked why the jury did not reach a verdict, he said, "There were 11 of the infernal fools on that jury that I ever saw. There were 11 against me, and therefore we could not reach a verdict." [Laughter.]

This conference report is a matter of compromise. What bill of any importance has ever been brought forward for consideration between the two Houses that did not result in a compromise? I would have voted and stand ready to vote now for a direct appropriation out of the Treasury to feed the hungry. If we can devise the means to so feed them so as to keep their self-respect, and not put them in the bread line and feed them like hungry beasts, if we can find a way by which we can encourage them to earn the food for which we appropriate, I shall be glad to vote for such a plan.

No, Mr. President; nobody played politics in the conference on this matter. I never was with conferees on the part of the Senate whom I believe are as far removed from any political influence as the two who served with me. I have been in the Senate a long time, and those two are ever responsive to the needs of the people and are as honest in their efforts to serve them as any two men who can be found in this body. It is unjust and unfair for anyone to stand here and criticize us in this hour of emergency for doing what was manifestly our duty. I am proud that we got as much out of it as we did.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

MESSAGE FROM THE HOUSE

A message from the House of Representatives by Mr. Haltigan, one of its clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the joint resolution (S. J. Res. 211) for the relief of farmers in the drought and/or storm stricken areas of the United States.

The message also announced that the House had agreed to the amendment of the Senate to the joint resolution (H. J. Res. 253) to provide for the expenses of a delegation of the United States to the sixth meeting of the Congress of Military Medicine and Pharmacy to be held at Budapest in 1931.

The message further announced that the House further insisted upon its disagreement to the amendments of the Senate Nos. 11, 12, and 14 to the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment.

ENROLLED JOINT RESOLUTION SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 444) making appropriation to supply a deficiency in the appropriation for the fiscal year 1931 for expenses of special and select committees of the House of Representatives, and it was signed by the President pro tempore.

CHICAGO WORLD'S FAIR CENTENNIAL CELEBRATION (H. DOC. NO. 698)

The PRESIDENT pro tempore 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 transmit herewith a report of the committee which I was authorized to appoint (Public Res. No. 92, 71st Cong., 2d sess.) for an investigation into the question of representation at and participation in the Chicago World's Fair Centennial Celebration, known as the Century of Progress Exposition, on the part of the Government of the United States and its various departments and activities.

The findings of this committee include recommendations that the Government be represented in the person of a commissioner under the direction of a commission composed of the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; that in order to effect economies the organization of this commission and the authorization and appropriation of funds be expedited; and that a certain latitude be conferred upon the commission and the commissioner in the expenditure of public funds, as well as in the employment of personnel.

I commend to the favorable consideration of the Congress the inclosed report of the committee to the end that legislation may be enacted to authorize an appropriation of \$1,725,000 for the expenses of representation at and participation in the Chicago World's Fair Centennial Celebration, known as the Century of Progress Exposition, on the part of the Government of the United States and its various departments and activities in accordance with the recommendations of the committee.

HERBERT HOOVER.

THE WHITE HOUSE,

Washington, December 19, 1930.

TREASURY AND POST OFFICE APPROPRIATIONS (S. DOC. NO. 234)

Mr. MOSES (Mr. FESS in the chair). I present the report of the committee of conference on House bill 14246, being the Treasury and Post Office appropriations bill, in order that it may be printed in the RECORD. I give notice that I shall seek at the earliest opportunity to-morrow to have it considered by the Senate.

The report was read and ordered to lie on the table, 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. 14246) making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1932, 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 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 25, 26, 27, 31, 32, 33, 36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50, 51, 53, 54, 55, 58, 59, 64, 65, 67, and 68.

That the House recede from its disagreement to the amendments of the Senate numbered 29, 42, 43, 60, 61, 62, 63, and 69, and agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For establishing and equipping a Coast Guard station at or near Port Orford on the coast of Oregon as authorized in the act entitled 'An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1892, and for other purposes,' approved March 3, 1891 (26 Stat. 958), to be immediately available, \$83,500."

And the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$32,606,422"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$397,984"; and the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,102,090"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$1,576,360"; 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 sum proposed insert "\$540,240"; and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$80,640"; and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "\$207,140"; and the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 21, 24, and 66.

GEO. H. MOSES,
REED SMOOT,
WM. J. HARRIS,
CARTER GLASS,

Managers on the part of the Senate.

WILL R. WOOD,
GUY U. HARDY,
GEO. A. WELSH,
JOSEPH W. BYRNS,
WILLIAM W. ARNOLD,

Managers on the part of the House.

APPROPRIATIONS FOR EMERGENCY CONSTRUCTION—CONFERENCE REPORT

Mr. JONES. Mr. President, I desire to present a conference report.

Mr. GEORGE. Mr. President, I inquire if that is the conference report on the emergency construction bill?

Mr. JONES. It is.

Mr. GEORGE. Is it the Senator's purpose to move that it be taken up this afternoon?

Mr. JONES. That question can be determined when we reach it. Some thought it might be taken up and some thought otherwise. I want to suggest to the Senator that the conference committee simply reports a disagreement, and I should like to have that report agreed to, anyway, and then I propose to make a motion to recede from certain amendments. The question will then be whether we will take that subject up to-night or let it go over.

Mr. GEORGE. I should like to have some understanding about it. It is not in order, is it?

Mr. JONES. It is in order; it is a privileged matter.

Mr. GEORGE. But when was the report brought in?

Mr. JONES. I am presenting the report of the conference committee.

Mr. GEORGE. I hope the Senator will not make his motion until to-morrow morning. Of course, the report can be laid before the Senate.

Mr. JONES. I thought it was the program that I should make the motion, and let it lie over until to-morrow.

Mr. GEORGE. With that understanding, I will not raise an objection.

Mr. JONES. I am perfectly willing to let it take that course. I will inquire of the Senator from Indiana what is his desire in the matter?

Mr. WATSON. Mr. President, I have been of the impression that we might conclude the relief bill conference report presented by the Senator from Washington [Mr. JONES], but the Senator from Michigan [Mr. COUZENS] says he is not willing to proceed at this time. His amendment is the main bone of contention, and I have no desire to force him into a consideration of the matter to-night. My thought is that we should adjourn until 11 o'clock to-morrow morning.

Mr. HEFLIN. I was about to make that suggestion.

Mr. SMOOT. Mr. President, I should like to have the Interior Department appropriation bill considered to-night. Outside the amendments that affect salary increases, there are only about five amendments, and I know of no particular objection to any of them.

Mr. THOMAS of Oklahoma. Mr. President, I proposed to the committee certain amendments to the Interior Department appropriation bill. I do not know what consideration was given to them, but the bill as reported does not embrace the amendments, save one which is entirely immaterial. I have some amendments to suggest to the measure, and will take some little time, in all probability, to consider them unless the Senator will accept the amendments and let them all go to conference. Then I will not care to take any particular time on them.

Mr. MOSES (Mr. FESS in the chair). Suppose the amendments should be subject to a point of order?

Mr. THOMAS of Oklahoma. I have no objection to a point of order being raised against them.

Mr. SMOOT. I will say to the Senator that two of the amendments to which the Senator refers are subject to a point of order, and I should feel compelled to make a point of order against them.

Mr. WATSON. Is there any way to determine, may I ask the Senator from Utah, how much time the consideration of the Interior Department appropriation bill will require?

Mr. SMOOT. I understand the Senator from Arizona has one amendment to offer, which will take about 15 minutes, so he tells me.

Mr. WATSON. Mr. President, I should like to say that the matters before us of prime importance are the relief bill, the conference report on which the Senator from Washington [Mr. JONES] is ready to present; the Interior Department appropriation bill; the conference report just submitted by the Senator from New Hampshire [Mr. Moses] on the Treasury and Post Office Departments appropriation bill; the bill providing a \$150,000,000 appropriation for the Farm Board; and the confirmation of at least another member of the Power Commission, so that that body can organize. All those measures must be considered to-morrow or before we

adjourn. Of course, just the order in which they should be acted upon is for the Senate to decide. If I had my way about it, I would have the measure in charge of the Senator from Washington come up first, because it is of primary importance; and then permit the Senator from Utah to proceed with the appropriation bill.

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

Mr. WATSON. Certainly.

Mr. COUZENS. We have a unanimous-consent agreement to consider the confirmation of members of the Power Commission after the conference report on the relief measure shall have been disposed of.

Mr. WATSON. That is quite true.

The PRESIDENT pro tempore. The Senator from Michigan is correct. There is a unanimous agreement, under which the Senate is acting, according to which nominations of members of the Power Commission must be considered to the exclusion of everything else except conference reports.

Mr. WATSON. But the Senator from Washington has presented a conference report.

Mr. McNARY obtained the floor.

Mr. HEFLIN. Mr. President, let me make a suggestion.

The PRESIDING OFFICER (Mr. Fess in the chair). The Senator from Oregon has the floor. Does he yield to the Senator from Alabama?

Mr. HEFLIN. Let me make a suggestion. I suggest to the Senator that the Senate meet at 10 o'clock to-morrow morning.

Mr. McNARY. Mr. President, the Chair is entirely correct in his analysis of the parliamentary situation. Only by unanimous consent can we do away with the arrangement which was made yesterday. I fear it will be impossible to get a quorum at this late hour in the afternoon, and I move that the Senate adjourn until 11 o'clock to-morrow morning.

Mr. JONES. Mr. President, will the Senator withhold the motion for a minute?

Mr. McNARY. I will if the Senator desires.

Mr. JONES. Mr. President, the adoption of the conference report which I have presented is merely a pro forma matter. If it be agreed to, then the amendments which are in disagreement will be before the Senate. So I should like to have the conference report agreed to and to enter a motion to recede. Then a motion to adjourn can be made, and the motion to recede can go over until to-morrow.

Mr. GEORGE. I have no objection to that.

The PRESIDENT pro tempore. At any rate, the conference report may be read for the information of the Senate.

The Chief Clerk read the report of the committee on conference on House bill 14804, as follows:

The committee of conference on the disagreeing votes of the two Houses on amendments Nos. 11, 12, and 14 of the Senate to the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment, having met, after full and free conference have been unable to agree.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
E. S. BROUSSARD,

Managers on the part of the Senate.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,

Managers on the part of the House.

The PRESIDENT pro tempore. The question is on agreeing to the conference report.

The report was agreed to.

Mr. JONES. Now, Mr. President, I move that the Senate recede from amendments numbered 11 and 12, and after that motion is put the Senator from Oregon can make his motion.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Washington, to recede from amendments numbered 11 and 12, and on that question the Senator from Washington has the floor.

Mr. NORRIS. Mr. President, a parliamentary inquiry.

The PRESIDENT pro tempore. The Senator will state it.

Mr. NORRIS. The decision of the Chair a while ago was that no other business except the conference report should be considered.

The PRESIDENT pro tempore. Except by unanimous consent.

Mr. NORRIS. I take it that the motion of the Senator from Washington is not a conference report.

Mr. JONES. The conference report is being considered and the motion is now pending.

Mr. NORRIS. Exactly, but that is not a part of the conference report.

Mr. JONES. It is a part of the conference report.

Mr. NORRIS. I do not think so.

ADJOURNMENT

Mr. McNARY. I move that the Senate adjourn until 11 o'clock a. m. to-morrow.

The motion was agreed to; and (at 6 o'clock and 23 minutes p. m.) the Senate adjourned until to-morrow, Saturday, December 20, 1930, at 11 o'clock a. m.

NOMINATIONS

Executive nominations received by the Senate December 19, 1930

CIRCUIT JUDGE, TERRITORY OF HAWAII

Daniel H. Case, of Hawaii, to be circuit judge, second circuit, Territory of Hawaii. He is now serving in this office under an appointment which expired July 2, 1930.

UNITED STATES MARSHAL

Francis M. McCain, of Kentucky, to be United States marshal, western district of Kentucky. He is now serving in this position under an appointment which expired March 10, 1930.

SURVEYOR OF CUSTOMS

Arthur C. Lavergne, of Louisiana, to be surveyor of customs in customs collection district No. 20, with headquarters at New Orleans, La., to fill an existing vacancy.

COLLECTOR OF CUSTOMS

Warren Kearny, of Louisiana, to be collector of customs for customs collection district No. 20, with headquarters at New Orleans, La., to fill an existing vacancy.

POSTMASTERS

ARKANSAS

E. Ben Millard to be postmaster at Horatio, Ark., in place of Helen Porter, deceased.

Georgia L. Stuart to be postmaster at Manila, Ark., in place of Maie Pierce. Incumbent's commission expired June 12, 1930.

CALIFORNIA

Vernie E. Sherraden to be postmaster at Ludlow, Calif., in place of L. E. Reed, resigned.

Joseph P. Berry to be postmaster at Santa Rosa, Calif., in place of J. P. Berry. Incumbent's commission expired December 11, 1930.

Chester D. Mathews to be postmaster at Susanville, Calif., in place of C. D. Mathews. Incumbent's commission expired December 11, 1930.

CONNECTICUT

Edward Adams to be postmaster at Taftville, Conn., in place of Edward Adams. Incumbent's commission expired December 13, 1930.

FLORIDA

Milton F. Thrasher to be postmaster at Bradenton, Fla., in place of W. D. Griffin. Incumbent's commission expired May 26, 1930.

Add Joyce to be postmaster at Cedar Keys, Fla., in place of Add Joyce. Incumbent's commission expired December 13, 1930.

Irma H. Smith to be postmaster at Hastings, Fla., in place of I. H. Smith. Incumbent's commission expires December 21, 1930.

Gillian A. Sandifer to be postmaster at Lake Helen, Fla., in place of G. A. Sandifer. Incumbent's commission expired December 13, 1930.

William W. Rees to be postmaster at Tavares, Fla., in place of W. W. Rees. Incumbent's commission expired December 13, 1930.

HAWAII

R. T. Christoffersen to be postmaster at Kahuku, Hawaii, in place of T. G. S. Walker, resigned.

ILLINOIS

Arvil C. Allen to be postmaster at Elkhart, Ill., in place of A. C. Allen. Incumbent's commission expired December 11, 1930.

John F. Gilman to be postmaster at Farmersville, Ill., in place of J. F. Gilman. Incumbent's commission expired December 14, 1930.

INDIANA

Marvin E. Elkins to be postmaster at Morgantown, Ind., in place of Irwin Knight. Incumbent's commission expired January 6, 1930.

Taylor H. Johnson to be postmaster at Plainfield, Ind., in place of T. H. Johnson. Incumbent's commission expired December 13, 1930.

Clyde H. Fee to be postmaster at Waterloo, Ind., in place of C. H. Fee. Incumbent's commission expired June 7, 1930.

IOWA

Lyman H. Henry to be postmaster at Charles City, Iowa, in place of L. H. Henry. Incumbent's commission expired December 10, 1930.

William T. Stockton to be postmaster at Perry, Iowa, in place of G. C. Parsons, resigned.

Frank J. Shearer to be postmaster at Prairie City, Iowa, in place of F. J. Shearer. Incumbent's commission expired December 16, 1930.

Charles P. Ell to be postmaster at Rudd, Iowa, in place of C. P. Ell. Incumbent's commission expires December 21, 1930.

KANSAS

Jacob L. Ritter to be postmaster at Bronson, Kans., in place of J. L. Ritter. Incumbent's commission expired December 13, 1930.

Judson M. Cramer to be postmaster at Gardner, Kans., in place of J. M. Cramer. Incumbent's commission expired December 14, 1930.

Lot S. Hadley to be postmaster at Glen Elder, Kans., in place of L. S. Hadley. Incumbent's commission expired December 14, 1930.

Charles O. Bollinger to be postmaster at Iola, Kans., in place of C. O. Bollinger. Incumbent's commission expired December 13, 1930.

Gilbert E. Goodson to be postmaster at La Cygne, Kans., in place of G. E. Goodson. Incumbent's commission expired December 13, 1930.

Louella M. Holmes to be postmaster at Mound City, Kans., in place of L. M. Holmes. Incumbent's commission expired December 13, 1930.

Walter R. Dysart to be postmaster at Parker, Kans., in place of W. R. Dysart. Incumbent's commission expired December 13, 1930.

Belford A. Likes to be postmaster at Pomona, Kans., in place of B. A. Likes. Incumbent's commission expired December 13, 1930.

Elmer Alban to be postmaster at Westphalia, Kans., in place of Elmer Alban. Incumbent's commission expired December 13, 1930.

KENTUCKY

Elbert L. Pearson to be postmaster at Auburn, Ky., in place of F. B. Gordon. Incumbent's commission expired December 15, 1929.

Clarence Neighbors to be postmaster at Bowling Green, Ky., in place of Clarence Neighbors. Incumbent's commission expired May 6, 1930.

Hazel O'Neill to be postmaster at Drakesboro, Ky., in place of J. R. Kimmel. Incumbent's commission expired February 6, 1930.

Lillian G. Hall to be postmaster at Eddyville, Ky., in place of L. G. Hall. Incumbent's commission expired April 3, 1930.

Ed J. Salm to be postmaster at Hawesville, Ky., in place of E. J. Salm. Incumbent's commission expired May 12, 1928.

Melvin C. Bray to be postmaster at Hindman, Ky., in place of M. C. Bray. Incumbent's commission expires December 21, 1930.

Robert L. Jones to be postmaster at Morganfield, Ky., in place of R. L. Jones. Incumbent's commission expired June 1, 1930.

Edna O. Jones to be postmaster at Mortons Gap, Ky., in place of E. O. Jones. Incumbent's commission expired March 2, 1930.

Marvin L. Whitnell to be postmaster at Murray, Ky., in place of M. L. Whitnell. Incumbent's commission expired May 6, 1930.

Myrtle Latta to be postmaster at Water Valley, Ky., in place of Myrtle Latta. Incumbent's commission expired July 2, 1930.

LOUISIANA

William L. Galloway to be postmaster at Arcadia, La., in place of W. L. Galloway. Incumbent's commission expired December 14, 1930.

Joseph P. Lucas to be postmaster at Dodson, La., in place of J. P. Lucas. Incumbent's commission expired December 14, 1930.

MAINE

Ray C. Gary to be postmaster at Caribou, Me., in place of G. H. Howe, resigned.

Harold N. Libby to be postmaster at Richmond, Me., in place of H. N. Libby. Incumbent's commission expired December 14, 1930.

MASSACHUSETTS

Grace G. Kempton to be postmaster at Farnumsville, Mass., in place of G. G. Kempton. Incumbent's commission expires December 21, 1930.

William P. Orr to be postmaster at South Attleboro, Mass., in place of W. P. Orr. Incumbent's commission expires December 21, 1930.

MICHIGAN

Walter E. Banyon to be postmaster at Benton Harbor, Mich., in place of W. E. Banyon. Incumbent's commission expired December 11, 1930.

George H. Batchelor to be postmaster at Buchanan, Mich., in place of G. H. Batchelor. Incumbent's commission expired December 14, 1930.

George A. Mason to be postmaster at Cedar, Mich., in place of G. A. Mason. Incumbent's commission expired December 14, 1930.

Euretta B. Nelson to be postmaster at Climax, Mich., in place of E. B. Nelson. Incumbent's commission expired December 14, 1930.

Charles L. Bean to be postmaster at Conklin, Mich., in place of C. L. Bean. Incumbent's commission expired December 11, 1930.

Minnie McGuineas to be postmaster at Elberta, Mich., in place of Minnie McGuineas. Incumbent's commission expired December 11, 1930.

Christine Anderson to be postmaster at Holton, Mich., in place of Christine Anderson. Incumbent's commission expires December 21, 1930.

Neil W. Roe to be postmaster at Lake Odessa, Mich., in place of N. W. Roe. Incumbent's commission expires December 21, 1930.

Milan A. Smith to be postmaster at Morenci, Mich., in place of M. A. Smith. Incumbent's commission expired December 14, 1930.

Charles T. Fillmore to be postmaster at Quincy, Mich., in place of C. T. Fillmore. Incumbent's commission expired December 14, 1930.

Rush S. Knepp to be postmaster at Schoolcraft, Mich., in place of R. S. Knepp. Incumbent's commission expires December 21, 1930.

Fred E. Pomeraning to be postmaster at Trenton, Mich., in place of F. E. Pomeraning. Incumbent's commission expired December 14, 1930.

MISSOURI

Paul L. Horner to be postmaster at Caruthersville, Mo., in place of P. L. Horner. Incumbent's commission expired December 17, 1930.

William L. Moorhead to be postmaster at Hopkins, Mo., in place of W. L. Moorhead. Incumbent's commission expired December 17, 1930.

NEBRASKA

Minnie C. Burch to be postmaster at Bellwood, Nebr., in place of M. C. Burch. Incumbent's commission expired December 11, 1930.

Max R. Herrington to be postmaster at Millard, Nebr. Office became presidential July 1, 1930.

NEW HAMPSHIRE

Carlton E. Sparhawk to be postmaster at Walpole, N. H., in place of C. E. Sparhawk. Incumbent's commission expired December 13, 1930.

NEW JERSEY

Alfred O. Kossow to be postmaster at Cedargrove, N. J., in place of A. O. Kossow. Incumbent's commission expired December 16, 1930.

Clifford R. Bower to be postmaster at Columbus, N. J., in place of C. R. Bower. Incumbent's commission expired December 14, 1930.

Henry C. Allen to be postmaster at Paterson, N. J., in place of H. C. Allen. Incumbent's commission expires December 21, 1930.

NEW YORK

Seward Latham to be postmaster at Central Bridge, N. Y., in place of Seward Latham. Incumbent's commission expired December 11, 1930.

Joseph W. Mullins to be postmaster at Fallsburgh, N. Y., in place of J. W. Mullins. Incumbent's commission expired December 11, 1930.

Clarence H. Floyd to be postmaster at Port Jefferson, N. Y., in place of C. H. Floyd. Incumbent's commission expired December 11, 1930.

Charles A. Gaylord to be postmaster at North Tonawanda, N. Y., in place of C. A. Gaylord. Incumbent's commission expires January 22, 1931.

Fred Hahn to be postmaster at Tonawanda, N. Y., in place of Fred Hahn. Incumbent's commission expires January 6, 1931.

NORTH CAROLINA

John W. McLean to be postmaster at Rowland, N. C., in place of J. W. McLean. Incumbent's commission expired December 14, 1930.

John H. Williams to be postmaster at Rutherfordton, N. C., in place of J. H. Williams. Incumbent's commission expired December 14, 1930.

NORTH DAKOTA

Anfin Qualey to be postmaster at Aneta, N. Dak., in place of Anfin Qualey. Incumbent's commission expired December 16, 1930.

OHIO

Elsie M. Smith to be postmaster at Sharonville, Ohio, in place of E. M. Smith. Incumbent's commission expires December 21, 1930.

Thomas E. Kidd to be postmaster at Leipsic, Ohio, in place of P. D. Folk, resigned.

OKLAHOMA

John W. Rackley to be postmaster at Cherokee, Okla., in place of J. W. Rackley. Incumbent's commission expires December 22, 1930.

PENNSYLVANIA

Arthur J. Argall to be postmaster at Braddock, Pa., in place of A. J. Argall. Incumbent's commission expires December 22, 1930.

Samuel B. Daniels to be postmaster at Emlenton, Pa., in place of S. B. Daniels. Incumbent's commission expires December 21, 1930.

Isaac W. Edgar to be postmaster at Glenshaw, Pa., in place of I. W. Edgar. Incumbent's commission expired December 28, 1926.

Irvin Y. Baringer to be postmaster at Perkasie, Pa., in place of I. H. Woodard. Incumbent's commission expired December 16, 1930.

Harry H. Carey to be postmaster at Plymouth, Pa., in place of H. H. Carey. Incumbent's commission expired February 6, 1930.

Ralph P. Holloway to be postmaster at Pottstown, Pa., in place of R. P. Holloway. Incumbent's commission expired December 16, 1930.

Henry X. Daugherty to be postmaster at Red Hill, Pa., in place of H. X. Daugherty. Incumbent's commission expired December 16, 1930.

Ade F. Nichols to be postmaster at Shinglehouse, Pa., in place of I. H. Woodard. Incumbent's commission expired June 10, 1939.

Arthur E. Foster to be postmaster at Thompson, Pa., in place of A. E. Foster. Incumbent's commission expired December 16, 1930.

Joseph C. Scowden to be postmaster at Tionesta, Pa., in place of J. C. Scowden. Incumbent's commission expires December 22, 1930.

John F. Hawbaker to be postmaster at West Fairview, Pa., in place of J. F. Hawbaker. Incumbent's commission expires December 22, 1930.

RHODE ISLAND

Mabel J. W. Carton to be postmaster at Little Compton, R. I., in place of M. J. W. Carton. Incumbent's commission expires December 22, 1930.

SOUTH CAROLINA

James M. Graham to be postmaster at Alcolu, S. C., in place of J. M. Graham. Incumbent's commission expired December 14, 1930.

Edward H. Jennings to be postmaster at Charleston, S. C., in place of E. H. Jennings. Incumbent's commission expires December 21, 1930.

Ely O. Greene to be postmaster at Chesterfield, S. C., in place of R. L. Hurst, removed.

Eva H. Groce to be postmaster at Lyman, S. C., in place of E. H. Groce. Incumbent's commission expired December 14, 1930.

Robert L. Henderson to be postmaster at North Charleston, S. C., in place of R. L. Henderson. Incumbent's commission expired December 14, 1930.

Mattie H. Graham to be postmaster at Pomaria, S. C., in place of M. H. Graham. Incumbent's commission expired December 14, 1930.

Maebelle Orvin to be postmaster at St. Stephen, S. C., in place of Maebelle Orvin. Incumbent's commission expired December 14, 1930.

TEXAS

Robert M. Hatcher to be postmaster at Archer City, Tex., in place of M. W. Meyer, removed.

Hugh B. Edens to be postmaster at Big Lake, Tex., in place of H. B. Edens. Incumbent's commission expired December 11, 1930.

Katherine A. Lace to be postmaster at Burleson, Tex., in place of K. A. Lace. Incumbent's commission expired December 11, 1930.

Lou Gammill to be postmaster at Calvert, Tex., in place of Lou Gammill. Incumbent's commission expires December 20, 1930.

Robert L. Jones to be postmaster at Celeste, Tex., in place of R. L. Jones. Incumbent's commission expired December 13, 1930.

John W. Robbins to be postmaster at Clyde, Tex., in place of J. W. Robbins. Incumbent's commission expired December 11, 1930.

Hoyt E. Hager to be postmaster at Mercedes, Tex., in place of H. E. Hager. Incumbent's commission expired December 11, 1930.

Henry C. Arnold to be postmaster at Orange, Tex., in place of H. C. Arnold. Incumbent's commission expired December 11, 1930.

Earl Cassity to be postmaster at Pilot Point, Tex., in place of Earl Cassity. Incumbent's commission expired December 11, 1930.

Pearl M. Parsons to be postmaster at Port Neches, Tex., in place of P. M. Parsons. Incumbent's commission expired December 11, 1930.

Joe R. Taylor to be postmaster at Rhome, Tex., in place of J. R. Taylor. Incumbent's commission expired December 11, 1930.

VIRGINIA

Ferdinand C. Knight to be postmaster at Alexandria, Va., in place of F. C. Knight. Incumbent's commission expires December 22, 1930.

Louise J. Nottingham to be postmaster at Eastville, Va., in place of L. J. Nottingham. Incumbent's commission expires December 22, 1930.

Augustus R. Morris to be postmaster at Jetersville, Va., in place of A. R. Morris. Incumbent's commission expires December 22, 1930.

Georgie H. Osborne to be postmaster at Keysville, Va., in place of G. H. Osborne. Incumbent's commission expires December 22, 1930.

Clinton L. Wright to be postmaster at Norfolk, Va., in place of C. L. Wright. Incumbent's commission expires December 22, 1930.

Albert L. Taylor to be postmaster at Parksley, Va., in place of A. L. Taylor. Incumbent's commission expires December 22, 1930.

Charles V. Tucker to be postmaster at Phenix, Va., in place of C. V. Tucker. Incumbent's commission expires December 22, 1930.

Patrick J. Riley to be postmaster at Portsmouth, Va., in place of P. J. Riley. Incumbent's commission expires December 22, 1930.

WASHINGTON

Frank Morris to be postmaster at Bordeau, Wash., in place of Frank Morris. Incumbent's commission expired December 17, 1930.

WISCONSIN

Leonard A. Krueger to be postmaster at Dalton, Wis., in place of L. A. Krueger. Incumbent's commission expires December 22, 1930.

Clyde C. Ellis to be postmaster at Elkhart Lake, Wis., in place of C. C. Ellis. Incumbent's commission expires December 22, 1930.

Eugene B. Williams to be postmaster at Hurley, Wis., in place of E. B. Williams. Incumbent's commission expires December 22, 1930.

WYOMING

Arthur A. Pugh to be postmaster at Burns, Wyo., in place of Evelyn Colburn, removed.

CONFIRMATIONS

Executive nominations confirmed by the Senate December 19, 1930

MEMBERS OF THE FEDERAL POWER COMMISSION

Ralph B. Williamson to be member of the Federal Power Commission.

Claude L. Draper to be member of the Federal Power Commission.

HOUSE OF REPRESENTATIVES

FRIDAY, DECEMBER 19, 1930

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou Lord of glory, nothing is hidden from the eyes of the Eternal; therefore we bow in Thy holy presence in the spirit of humility. O conquer our pride by Thy condescension, heal our differences by Thy sacrifice, and cast out our greed by Thy unsearchable poverty. Approaching the Advent season, may it be our devout purpose that we shall be made humble, perfectly unselfish, and entirely generous. Deep in our breasts, where the tides of emotion ebb and flow and sometimes brooding surges beat, do Thou bestow the blessing of the untroubled heart. We thank Thee for all the blessed intimations which we have of Thy dignity, power, and joy which come to our souls when fashioned by the divine will. Amen.

The Journal of the proceedings of yesterday was read and approved.

CONFERENCE REPORT—EMERGENCY CONSTRUCTION ON PUBLIC WORKS

MR. WOOD. Mr. Speaker, I call up the conference report on the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment.

THE SPEAKER. The gentleman from Indiana calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment, 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 1, 2, 3, 6, 7, 8, 9, and 10.

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 inserted by said amendment insert the following:

"SPECIAL ROAD ITEMS

"National forest highways: For the construction and improvement of highways within the boundaries of the national forests, fiscal year 1931, \$3,000,000."

And the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Roads on unappropriated or unreserved public lands, nontaxable Indian lands, and so forth: For the survey, construction, reconstruction, and maintenance of main roads

through unappropriated or unreserved public lands, non-taxable Indian lands, or other Federal reservations other than the forest reservations, under the provisions of the act entitled 'An act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes,' approved June 24, 1930 (46 Stat. p. 805), fiscal year 1931, \$3,000,000."

And the Senate agree to the same.

The committee of conference have not agreed on amendments numbered 11, 12, 13, and 14.

The Senate recedes from its amendment amending the title of the bill.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,

Managers on the part of the House.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
E. S. BROUSSARD,

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. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments:

On Nos. 1 and 2, relating to the appropriating clause of the bill: Confines the appropriation period to the "remainder of the fiscal year 1931," as proposed by the House, instead of having the appropriations "available until expended," as proposed by the Senate, and leaves the title of the bill as it left the House instead of in the amended form as proposed by the Senate. The effect of the change by the Senate amendments would have been confusing in that the period of availability of the several appropriations is governed by the individual items instead of by the appropriating clause. Under the terms of the bill, as now specifically stated in each item, the appropriations for forest roads and trails, forest highways, national-park roads and trails, and roads through unappropriated or unreserved public lands, will be available for obligation and expenditure until July 1 next, and after that time will be available for expenditure for two more years for payments on any contracts which are made between now and the 1st of July. In other words, the period for the making of contracts and obligating the money on these items is confined to the time between now and the 1st of July, and the period of expenditure of the funds will continue after July 1 for the discharge of contracts entered into prior to July 1. In the case of the rivers and harbors and flood-control appropriations, they are "available until expended" under the general law and that authority is repeated in connection with the recommended appropriations. The advances to the States under the Federal highway act through the \$80,000,000 of appropriation are specifically limited to "work performed before September 1," and while payments may be made after that date, they must necessarily be for work performed prior to that date.

On No. 3: Strikes out the proviso, inserted by the Senate, providing for the allocation of funds for construction of main roads on unappropriated or unreserved public lands and waiving State cooperation in connection with the expenditure of such funds. The act under which such appropriation

is made specifically provides that such cooperation shall not be required.

On No. 4: Appropriates \$3,000,000, as proposed by the Senate, for the construction and improvement of forest highways modified so as to confine the expenditure of such amount to the highways within the boundaries of the national forests.

On No. 5: Appropriates \$3,000,000, instead of \$5,000,000, as proposed by the Senate, for the construction, etc., of main roads on unappropriated or unreserved public lands, non-taxable Indian lands, or other Federal reservations other than forest reservations, modified to make such expenditures under the terms of the act of June 24, 1930.

On Nos. 6, 7, 8, and 9, relating to the appropriation of \$80,000,000 for the Federal-aid highway system: Appropriates \$80,000,000 in the terms of the House bill instead of in the modified form proposed by the Senate amendments. The effect of the Senate amendments would have been to make an appropriation of \$80,000,000, which would have to be matched by the States with their funds under the terms of the Federal highway act, instead of providing, as proposed by the House bill, for advances of funds to the States which they might use in lieu of their own funds for matching regular allotments from Federal-aid apportionments made under the general law.

On No. 10: Strikes out the amendment, proposed by the Senate, permitting the use of any unclaimed part of the \$80,000,000, above referred to, for highways over land owned by the United States, without State cooperation or approval and without reference to the Federal highway act.

The committee of conference have not agreed on the following amendments:

On Nos. 11 and 12: Providing that the unexpended balances of appropriations of \$1,660,000 and \$506,067.50, heretofore granted to the States of Alabama and Georgia, respectively, for relief for damages to and destruction of roads and bridges by floods may be paid to the authorities of such States notwithstanding the requirement of existing law which provides that expenditures under such appropriations shall be matched by the respective States.

On No. 13: Providing for the interchange of appropriations in the bill upon the order of the President.

On No. 14: Imposing residential qualifications and pay conditions for the employment of laborers and mechanics by contractors upon the public works covered by the bill, excepting the Federal aid highway appropriation.

The total of the bill as passed the House was \$110,000,000. The total as passed the Senate was \$118,000,000. The bill as partially agreed upon appropriates \$116,000,000.

The Senate recedes from its amendment of the title of the bill.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 11: On page 3, line 24, after the word "act," insert a colon and the following: "Provided further, That the balance of the appropriation of \$1,660,000, now unpaid to the State of Alabama, appropriated for the relief of the State of Alabama, as a reimbursement or contribution in aid induced by extraordinary floods, shall be paid to the authorities of that State, without the requirement that the State match said expenditure, except in the manner provided herein."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

Mr. BANKHEAD. Mr. Speaker, may I be recognized for just a moment?

The SPEAKER. Does the gentleman from Indiana yield to the gentleman from Alabama?

Mr. WOOD. Yes.

Mr. BANKHEAD. I just want to ask one or two questions. As I understand the matter involved, this appropriation was agreed to by the Senate in the first instance and then was stricken out. Was it in the first report? In other words, I want to get information as to whether the Senate has acted upon this matter in any wise since the matter was originally included in the bill?

Mr. WOOD. Yes; they have acted upon it and are still insisting upon our accepting the amendment.

Mr. BANKHEAD. We were very much in hope that the gentleman might agree to the amendment. It does not involve any additional expenditure upon the part of the Treasury; it is an amount of money that has already been appropriated and is available for the purpose of this reconstruction work on roads and bridges that were destroyed by this unprecedented flood in Alabama.

Mr. WOOD. I will say to the gentleman that as far as I individually am concerned I was opposed to this legislation in the first instance, but the legislation was passed. I am opposed to the establishment of the precedent which would be set if we adopted this amendment.

It was disclosed in the debate yesterday that the State of Kentucky is in a like situation with Alabama and Georgia, and the Senator representing the State of Kentucky inquired whether or not he could not have the claims of Kentucky included for the very reasons offered by Alabama and Georgia, and it is disclosed that Mississippi and South Carolina are likewise interested. If we establish this precedent, we would have nothing else to do but to follow the precedent we are establishing here. However, to my mind there is no need of Alabama asking for this thing, and if we should take this action as to Alabama it certainly would be unfair as to the other States in the Union. Now, we have done this: In the agricultural bill now under consideration we have extended the time for one year because of the financial situation of the States of Georgia and Alabama; with that extension and with the possibility of the legislature meeting and raising taxes so that this obligation can be met, there is no occasion for this amendment at all. On the other hand, I would say that the principle involved is so far-reaching that if we adopted it to-day we could never go back on it, and the troubles which would mount up by reason of this character of legislation and this character of request would be so onerous that the Government could not long endure it.

Mr. CRISP. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. CRISP. As I understand the provision in the agricultural bill, it extends the time for one year for the States to match that fund.

Mr. WOOD. It does.

The SPEAKER. The question is on the motion of the gentleman from Indiana.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 12: On page 4, line 6, after the word "herein," insert a colon and the following: "Provided further, That the balance of the appropriation of \$506,067.50 now unpaid to the State of Georgia, appropriated for the relief of the State of Georgia as a reimbursement or contribution in aid induced by extraordinary floods, shall be paid to the authorities of that State without the requirement that the State match said expenditure, except in the manner provided herein."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 13—

Mr. WOOD. Mr. Speaker, the Senate, since this report, has receded as to amendment No. 13.

The SPEAKER. The Chair is informed that, as a matter of fact, the Senate has receded on that amendment. Is that correct?

Mr. WOOD. Yes; and it is out of the picture.

The SPEAKER. Then the Clerk will report amendment No. 14.

The Clerk read as follows:

Amendment No. 14: Page 5, line 24, after the word "appropriations," insert the following:

"Provided, That every contract made under the provisions of this bill to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States, or any Territory, or said District, which may require or involve the employment of laborers or mechanics shall contain a provision that the contractor or any subcontractor contracting for any part of said work contemplated shall employ as laborers or mechanics only persons who have been living for at least 90 days prior to the commencement of said work in the District, city, town, or village within which such work is being done, if being done within a district, city, town, or village, or of the State or Territory within which the work is being done if outside the limits of a district, city, town, or village, if such laborers or mechanics are available within such district, city, town, village, State, or Territory.

"Every such contract shall further provide that any such contractor or subcontractor shall pay to each laborer or mechanic doing any part of the work contemplated by the contract in the employ of the contractor or any subcontractor contracting for any part of said work contemplated not less than the highest rate of wages for the class of work to be done by said laborer or mechanic prevailing in the district, city, town, or village within which said work is being done, if within a district, city, town, or village, or in the State or Territory (outside of cities, towns, and villages therein) if the work is not being done within a district, city, town, or village. The word 'city' shall include any incorporated city and its suburbs.

"Nothing in this amendment shall apply to contracts made for the construction of Federal-aid highways.

"That the provisions of section 1 of the act of June 19, 1912 (37 Stat. 137), commonly known as the 8-hour law, as to penalties, reports of violations by inspectors, withholding of penalties, and appeals, shall apply in all cases of violations of the provisions of this bill.

"That the provisions of section 2 of the act of June 19, 1912 (37 Stat. 137), shall apply."

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to the Senate amendment.

Mr. GARNER. Mr. Speaker, I do not intend to object to that, because I am perfectly willing for it to go to conference, but the gentleman from Indiana [Mr. Woon] will probably leave the Chamber on account of his labors before the next conference report comes up, and I want to query the gentleman, if I may, concerning the activities of the gentleman's committee in response to the action of Congress if that conference report is agreed to.

I notice in the RECORD there is a conference report on what is known as the drought-relief bill, and in that report there is carried an authorization of \$45,000,000. I wonder if the gentleman could tell the House whether or not he expects to make an appropriation of that amount prior to the proposed holiday recess?

Mr. WOOD. I will say to the gentleman that I have inquired and am inquiring now of the department with respect to whether it will need any portion of this sum before the holidays, and they are to let us know some time during the day if they will need any portion of it, and if so how much. They have informed us it is going to take some considerable time to get up the contracts that are necessary to carry out the provisions of the bill. How long this will take, of course, I do not know, and I do not know that they know, but we are to have information during the day as to how soon they will need any of this money, and if they will need any of it now they are to inform us how much they will need.

Mr. GARNER. Mr. Speaker, according to reports in the press and the statements of Members of Congress the Secretary of Agriculture said in the hearings that \$25,000,000 is all he needed and all that could be used for the purpose of carrying out the provisions of the bill. If the gentleman from Indiana and his colleagues on the Committee on Appropriations are going to take the position that the statements before that committee, including the statement of the Secretary of Agriculture, are such that he does not propose to appropriate more than \$25,000,000, the efforts of

Congress in securing \$45,000,000 will be nullified, and I merely call this to his attention now because the gentleman has intimated he is going to give them whatever the department says is necessary, and the Secretary has already said that \$25,000,000 is the limit that he wants for the purpose of this law, and yet I doubt not that to-day the House of Representatives will adopt the conference report authorizing \$45,000,000.

Mr. BYRNS. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. BYRNS. Mr. Speaker, I want to say this in response to what the gentleman from Texas has said. Of course, I am in the minority on the Committee on Appropriations, but I am a member of it, and I will say to the gentleman from Texas that if the conference report is adopted I shall regard such action by the Congress as a direction to the Committee on Appropriations to report the full amount provided in the conference report. I believe that this should be done even though it may not be used, because if we appropriate a smaller amount we will find a situation where some sections of the country may possibly be denied what they need by reason of the allocation that the Secretary of Agriculture will make of a smaller amount than that authorized by the Congress; and if we appropriate the full amount and it is not used, of course, it remains in the Treasury.

Mr. WOOD. I may say to the gentleman from Texas and the gentleman from Tennessee that my statement with reference to the amount that might be requested by the Secretary of Agriculture did not have that in mind. I was not even thinking about the controversy with reference to whether they should use \$25,000,000 or \$45,000,000. My purpose in making the suggestion and in making the inquiry of the department is to learn how much of this money they may use before the holidays, thinking they could not possibly use it all before the holidays and whatever sum they can use, if any, before that time we will provide.

Mr. GARNER. If the gentleman from Indiana took the same view that the gentleman from Tennessee [Mr. BYRNS] has just expressed, that the adoption of this conference report will be a direction to the committee, then why not pass the necessary resolution, which can be done in 10 minutes, send it to the Senate, and appropriate the \$45,000,000, and have it all at the discretion of the Secretary of Agriculture at once, so he can begin this work?

Mr. WOOD. I wish to say to the gentleman that I have no disposition to retard this matter in the least, but inasmuch as this act is to be administered by the Secretary of Agriculture it occurs to me we ought to have at least some advice from him. Of course, this matter will be taken up and full hearings had. There is not an item in this emergency construction bill that we are now considering about which we have not had the fullest hearings, and that ought to be done with reference to this measure. There is nothing peculiar about this. We authorize the expenditure of large amounts of money, and we are often criticized because we appropriate under such authorizations more than is necessary at the time.

Mr. ADKINS. Will the gentleman yield for a question?

Mr. WOOD. I yield.

Mr. ADKINS. One of the arguments urged yesterday to adopt the \$60,000,000 was the fact that the Committee on Appropriations did not have to appropriate it all, but only what they really needed. The argument was advanced that we should authorize the \$60,000,000 and then the Committee on Appropriations could do whatever they thought ought to be done.

Mr. SNELL. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. SNELL. Is it not a fact that very often you do not appropriate the first time the full amount of the authorization?

Mr. WOOD. That is exactly what I just called to the gentleman's attention. Very frequently we do not appropriate the full amount.

Mr. SNELL. So there would be nothing unusual in following that procedure in this instance?

Mr. WOOD. Nothing in the world.

Mr. KETCHAM. Will the gentleman yield?

Mr. WOOD. Yes.

Mr. KETCHAM. It may be of interest to the gentlemen to know that in the hearings before the committee it was developed by those who probably will have use for this money as early as anybody that if it were made available by the 1st of February that would be in abundant time for all purposes of crop production generally.

Mr. WOOD. I will say to the gentleman from Texas [Mr. GARNER] that we are trying to get this information for this reason. I do not know when this House is going to adjourn. I hope it will not adjourn until these matters are all determined, so the country may know what they can depend upon, but I do want to proceed with some degree of order, and whatever is found to be necessary will be done. If they wanted this money to-morrow, if some of it could be used to-morrow, I would come in with a resolution so that it could be available to-morrow.

Mr. GARNER. If the Secretary of Agriculture takes the same position before the gentleman's committee that he took before the Committee on Agriculture, and states that \$25,000,000 is all he can possibly use, is that all you are going to appropriate?

Mr. WOOD. We will have to thresh that out when the time comes. I do not know what position the Secretary may take, or what position other gentlemen may take. There will be a full hearing and all those who have anything to say upon the subject will be heard.

But inasmuch as the Secretary of Agriculture has the administration of this fund, and not a dollar can go out without his approval, I do not know why we should appropriate more than he can use.

Mr. JONES of Texas. In reply to the suggestion made a while ago, it is important to people in these sections to know whether provision is going to be made for them, and plans must be made, and if there should not be adequate provision they must go where they can be taken care of.

Mr. CRAMTON. If the gentleman will yield, referring to the RECORD of yesterday, you will find in the remarks of the gentleman from Alabama [Mr. OLIVER], one of the most influential Members of the House and prominent in the minority, this statement:

I think the House has sufficient confidence in the Appropriations Committee to rely upon adequate proof being submitted before any appropriation is recommended.

That was the representation made to the House by the minority side yesterday.

Mr. JONES of Texas. But then we were asking for \$60,000,000.

Mr. CRAMTON. What difference does that make; he was arguing for a larger authorization.

Mr. TILSON. Let me ask the gentleman from Indiana if it is not a fact that the Committee on Appropriations will be in session almost daily during the remainder of this Congress, and that there will be probably two deficiency bills coming along, so that if there is need for more money an appropriation can be made at any time?

Mr. WOOD. I will say that there is no need to wait for a deficiency bill. Any time there is a request made for money under this authorization there will be prompt action by the committee.

Mr. JONES of Texas. The chairman understands that the money must be allocated among a great many different States. Now, in response to the suggestion of the gentleman from Michigan, suggestion was made by the Secretary of Agriculture if more than was needed was accounted for here it would throw the Budget out of balance.

Mr. CRAMTON. My regret is that the gentleman did not have a sufficiently clear understanding with the gentleman from Alabama.

Mr. JONES of Texas. The gentleman from Alabama is only one Member of the House.

MR. BLANTON. Mr. Speaker, I rise to ask the gentleman from Indiana a question about the \$80,000,000 to be used in road construction. If we disagree to the Senate amendment, the road contractor could employ Mexican labor at about one-third or one-half of what they pay American citizens, and they can import these Mexican laborers across the Rio Grande?

Mr. WOOD. Let me say that the amendment adopted by the Senate does not apply to road work at all.

MR. BLANTON. The amendment could be made broad enough to apply to the entire provisions of the bill. If you do not do that, much of this relief money will go not to American citizens but to the Mexicans who come across the line.

Mr. WOOD. If we should make it broad enough to apply to the whole bill there will be no relief at all.

MR. BYRNS. The conferees have no authority to broaden the provision. They can not go beyond what the Senate and the House have provided.

MR. BLANTON. They do it sometimes as a matter of expediency.

Mr. WOOD. As a further answer to the gentleman from Texas, the contracts for the employment of labor are made by the State and not made by the Government at all.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. WOOD. I yield.

Mr. COCHRAN of Missouri. I received a letter the other day from a very well-informed gentleman who resides in St. Louis and is engaged in welfare work. He had been on a trip through the South and was returning to St. Louis by automobile through the State of Arkansas. He found the people of that State in desperate circumstances. The white farmers left their farms and accepted work as day laborers on Federal-aid road-building projects. The contractors were aware that the men were in desperate circumstances, and what did they do? They hired the farmers, paying them \$1.50 per day at the start. This was later reduced to \$1 a day, and in some instances in that State the noonday meal was thrown in. The negro laborers worked for as low as 50 cents a day and the noonday meal.

This gentleman made an investigation. I have every confidence in him and know he would not write me such a letter if he had not investigated the conditions.

If we are going to pass the bill for the benefit of contractors and not for the benefit of the unemployed, I think it would be well to let it alone.

Mr. WOOD. If there is anything in that statement, it exists in Oklahoma and Arkansas; and it is the duty of Arkansas and Oklahoma to correct it.

Mr. COCHRAN of Missouri. I did not refer to Oklahoma, just Arkansas.

My friend suggested that unless the bills we are passing to aid the unemployed stipulate in some manner what wages are to be paid there is great danger that the contractors will put a great deal of money in their pockets that we aim to put in the pockets of the workers.

A paper in Arkansas, commenting upon this situation, says:

Just because it is possible to get panic-stricken men to work for 50 cents a day there is no indication that it is not worth more than that.

We do not know whether the above-mentioned contractors are new at the game or not, but we do know if that is their idea of conducting a profitable business they have much to learn.

As I see this situation, and as my friend sees it, there would be danger in putting in a clause providing that the prevailing scale of wages be paid because here you have the prevailing scale of wages from 50 cents to a dollar and a half. He also feels there would be danger in naming a minimum wage although that would be better than the prevailing scale of wages. His thought is that such a wage in Arkansas would not be suitable for New York, Illinois, or Missouri.

It seems to me it would be well for some investigation to be made by Government agencies so that they could pass information along to Congress and we could act accordingly. The Bureau of Roads can secure reports from its inspectors and the Supervising Architect can get information from

their representatives on public work as to the wages being paid and the conditions under which the men are working.

I feel that every Member of this House wants to do everything possible for the people in distress. We are going to have plenty to do along this line before adjournment and we will need all the information that can be secured so that what money we do appropriate will go to the unemployed as we desire.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House further insist upon its disagreement to amendment No. 14.

The motion was agreed to.

Mr. WOOD. Mr. Speaker, I move that the House agree to the further conference asked by the Senate, and that the Chair appoint conferees.

The SPEAKER. The gentleman from Indiana moves that the House agree to the conference asked by the Senate, and that the Chair appoint conferees.

The motion was agreed to.

The Chair appointed the following conferees: Mr. WOOD, Mr. CRAMTON, Mr. WASON, Mr. BYRNS, and Mr. BUCHANAN.

CONGRESS OF MILITARY MEDICINE AND PHARMACY

Mr. TEMPLE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table House Joint Resolution 253, to provide for the expenses of a delegation of the United States to the sixth meeting of the Congress of Military Medicine and Pharmacy, to be held at Budapest in 1931, with a Senate amendment thereto, and concur in the Senate amendment.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table House Joint Resolution 253, with a Senate amendment thereto, and concur in the Senate amendment. The Clerk will report the resolution and the Senate amendment.

The Clerk reported the title of the resolution, and read the Senate amendment, as follows:

Page 1, line 9, after "Budapest," insert "or such other place as may be determined upon."

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on concurring in the Senate amendment.

The Senate amendment was concurred in.

SHOW BOAT

Mr. McCLINTIC of Oklahoma. Mr. Speaker, I ask unanimous consent to speak for three minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. McCLINTIC of Oklahoma. Mr. Speaker, a few evenings ago a congressional party numbering approximately 75 attended a special entertainment given aboard the show boat at Alexandria, Va. Some of the scenes in the play were laid in my State and several members of the cast were from Oklahoma. We witnessed a fine rendition of an old-fashioned melodrama aboard the same boat used by Miss Edna Ferber when she wrote the great play entitled "The Show Boat." Among those present were Mayor Carroll Pierce, of Alexandria; Hon. S. W. Getzen, speaker of the House of Representatives of Florida; Dr. M. G. Gibbs, president of the People's Drug Stores; Maj. W. S. Shelby, of the Washington police; Members of the House of Representatives; and a number of prominent Washington citizens. A motor-cycle escort, with a siren horn, gave the party right of way down Pennsylvania Avenue, and a similar escort from Alexandria met the party at the end of Long Bridge entering Virginia. Congressman VESTAL led the singing, featuring such songs as We Will Kill the Old Red Rooster and Coming Around the Mountain. Congressman CONNERY, of Massachusetts, joined the troupe and sang from the stage. Apparently everyone had a good time. Anyhow Dr. M. G. Gibbs and myself were very much pleased to have this party as our guests.

Major Shelby, of the Washington police, has expressed his views in the following letter:

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
METROPOLITAN POLICE DEPARTMENT,
December 17, 1930.

Hon. JAMES V. MCCLINTIC,
Member of Congress, House Office Building,
Washington, D. C.

MY DEAR CONGRESSMAN MCCLINTIC: It is like you to express thanks and appreciation for the cooperation rendered by this department on the occasion of the recent "Show Boat party," but as a matter of real fact the members of the department, including myself, who were so fortunate as to accompany the party owe you and Dr. M. G. Gibbs an expression of thanks for permitting us to sit in for a most enjoyable evening's entertainment.

During the singing of the chorus I thought of several people in Washington that should have been present so that they could have an opportunity to appreciate the fact that Members of Congress are, after all, the most human of human beings. That happy crowd reminded me of a bunch of school boys on vacation after a day of hard examinations.

I hope that you and your associates will feel free at all times to call upon this department whenever you think we may be of service.

Major Pratt joins me in expressing to you the wish for a most enjoyable Christmas and a happy and prosperous New Year.

Sincerely yours,

W. S. SHELBY,
Acting Major and Superintendent.

I regret that all of the Members of this body could not be present at the performance, and I desire to thank the House for the courtesy in allowing me to make this presentation. [Applause.]

DEVELOPMENT OF THE COLUMBIA RIVER

Mr. KORELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD upon the development of the Columbia River.

The SPEAKER. Is there objection?

There was no objection.

Mr. KORELL. Mr. Speaker, under leave to extend my remarks, I desire to insert in the RECORD an address that I delivered this summer over Station KXL on the development of the Columbia River.

The address is as follows:

I want to talk to you for a few minutes about the proposed improvements on the Columbia River, a work which is of vital importance to every citizen of the Northwest. It is hardly necessary for me to tell you that this matchless river is our greatest and most important natural asset. From the standpoint of navigation it opens up a great inland empire and assures low transportation rates.

As you all know, it flows through the only gap in the western mountain range south of the Canadian boundary and north of San Francisco. It is capable of bringing thousands of acres of land under cultivation through irrigation. It is likewise capable of producing almost an unlimited amount of water power. A drop of approximately 308.5 feet occurs between the mouth of the Snake River and tidewater. The fall above this point is even greater.

The task of developing this great river so as to use it to the fullest possible extent for navigation, irrigation, and water power and at the same time wisely and with a view to future development requires the greatest care and study.

How much cargo is available now for barges? How much in the future? How many acres of land should it irrigate now and how many additional acres will it be called on to irrigate in the days to come? How much power should it generate now and how much power will it be called on to generate in the future? What is the extent of the present demand for navigation and how rapidly will this demand increase? What flow will remain after application of water to arable lands which in the future might be irrigated? These are just a few of the many questions which must be investigated and answered before plans for the development of the river can be intelligently carried out. To a large extent they have been studied and answered as nearly as it is possible for them to be answered. The survey, so far as it has progressed, has been a complete and painstaking one, requiring time and thought.

The Oregon delegation succeeded in getting Congress to authorize an exhaustive survey of the Columbia River and its tributaries. To date the water department has expended more than \$600,000 in carrying on the survey. The United States Army Engineers are now engaged in the task of investigating the location and capacities of reservoir sites, the location and practicability of dam sites, the capacity of power sites, the present and prospective power markets available, the best plan of improvement for all purposes, preliminary estimates of the costs of improvements, and the feasibility of the best plan of improvement. But back of all these necessary studies, it is vitally important that the people of Portland should keep in mind that that portion of the Columbia River which lies below the mouth of the Willamette has become one of the world's most important trade routes, traversed by ocean-going vessels in steadily increasing number, and that of all uses that may be made of the waters of the Columbia River system, "whether viewed from the standpoint

of prior use, invested capital, or potential benefit to the general public, navigation between Portland and Vancouver and the sea is of supreme importance." Therefore, sufficient flow to insure ease of seagoing navigation must be provided, and they must see to it that works planned for the upper reaches of the river will be subservient to such need of navigation.

Although the survey is not yet completed, the Federal Government has already announced tentative plans for the development of the Columbia River. These contemplate the construction of a canal 8 feet deep to a point 10 miles above Richland, Wash., and Five Mill Rapid on the Snake River. The canal is to be completed with the construction of seven dams and locks at various points, which, as an incident to their construction, will develop 1,500,000 kilowatts of power 90 per cent of the time and 2,500,000 kilowatts 50 per cent of the time.

And as a part of the plan for the development of the Columbia River the last session of Congress authorized the deepening and widening of the Columbia and Willamette Ship Channel from Portland to the sea. This improvement will cost \$1,350,000 to complete. The project contemplates a channel 500 feet wide and 35 feet deep. When it is completed the merchants and manufacturers in the cities along the Columbia River will save over \$600,000 a year in freight charges, a considerable item to those who have invested between \$300,000,000 to \$500,000,000 in improvements and businesses that are dependent upon water transportation, and a saving that will eventually be passed on to the consumer in lessened costs of the finished product. The improvement will also bring about the just and favorable recognition of our importance and prestige as a port, something for which we have been striving for years. It may interest you to know that the total net expenditures by the Federal Government for improvements to navigation on the Columbia River below the mouth of the Snake River was on June 30, 1928, \$15,700,913.06.

But the Oregon delegation has not stopped with these efforts and is now seeking to have the law authorizing the operation of the Mississippi Barge Line extended to include barge service on the Columbia River, with a further reduction in costs to the producer and the consumer.

The irrigation possibilities are not being neglected, and your delegation in Congress has succeeded in obtaining these substantial appropriations for the following: Vale project, \$585,000; Klamath project, \$104,000; Owyhee project, \$2,000,000.

Another development, the importance of which can hardly be overestimated, is that for the carrying out of the Umatilla Rapids project, and the Oregon delegation has been bending its best efforts to secure the passage of Congressman BUTLER's and Senator McNARY's bill covering this proposed improvement. The purpose of this project is to utilize the flow of the Columbia River, to improve navigation, provide for the delivery of water for the reclamation of public and private lands and other beneficial uses, and to generate electrical energy. The generation of electricity is the means which is designed to make the project self-supporting and financially solvent. This public work is to be brought about, through the Secretary of the Interior, in the construction of the great dam which is to be capable of raising water to an elevation of 310.5 feet, and includes complete plan for the fullest economic development of electric energy from the normal flow of the river. Suitable locks are to be constructed for the improving of navigation. A special fund, to be known as the Umatilla Rapids fund, is to be available for the carrying out of the provisions of the act.

All revenues from the improvement are to be taken in and expended by the Secretary of the Interior, and the Secretary of the Treasury is authorized to advance funds in such amount as may be necessary up to the sum of \$45,000,000.

Money for the project may be raised by the issuance of bonds and certificates of indebtedness by the Secretary of the Treasury, and before any money is appropriated the Secretary of the Interior is required to make provisions for revenue by contracts for the delivery of water for irrigation and domestic uses and for the delivery of electricity to municipal corporations, political subdivisions, and private corporations. After the money advanced is repaid from the earnings of the project, charges shall be on such basis and the revenue derived shall be disposed of by an act of Congress.

The title to the dam, reservoir, plant, and all incidental works are to remain forever in the name of the United States. The bill provides further that all Government land found by the Secretary of the Interior to be practicable for irrigation and reclamation shall be withdrawn from public entry and thereafter the Secretary of the Interior may dispose of such land in varying tracts not to exceed 160 acres in accordance with the provisions of the reclamation law. All persons who have served in the United States Army, Navy, or Marine Corps during the wars with Germany, Spain, or in the Philippines have exclusive preference rights for a period of three months to enter such lands.

A provision in the bill that is of extreme importance to the taxpayers of the States of Oregon and Washington is the proposal that 37 1/2 per cent of any money collected above the amounts due the Government will come to the States in lieu of taxes—thus creating a new source of revenue by the Government's taking the natural resources of Oregon and Washington for public purposes.

You will note from the principal provisions of the proposed act which I have hastily sketched that every effort has been made to protect the rights and interests of the people in the proposed improvement.

Now, the advantages of the improvements I have outlined to you are so great as to be almost unbelievable. In addition to the increase of navigation on the Columbia and the great boost which will be given to the business of our port and the prestige of our

city, it need only be said that in the vicinity of the proposed Umatilla Dam alone there is a potential development of something like 420,000 horsepower, and on every hand, to quote from the report on the project, "are very fertile lands only awaiting the magic touch of water to blossom like a rose."

With the completion of the vast improvements, the irrigation of arid land in both Washington and Oregon will be possible. And the location of the areas is such that the land can be brought under cultivation as needed, thus minimizing the possibilities of overproduction or lack of settlers.

The power developed by the dam at the foot of the Umatilla Rapids could be used for irrigation purposes and would, in addition, provide 300,000 horsepower for sale to the public. The possibilities for development here are enormous. The power could be generated at a cost of 1.2 mills per kilowatt-hour.

It is to be remembered that the use of power in our rapidly developing Northwest is increasing rapidly. The manufacture of nitrates for fertilizer is another possibility. The project would be self-supporting and would provide cheaper power for home use and for industry. Electric energy could be sold in many towns and rural communities for much less than the present rate.

No one disputes the value of inland water transportation. Under the proposed improvement the Columbia would be canalized from its mouth to the mouth of the Snake River, a distance of 330 miles. The two rivers drain an area of about 350,000 square miles, and it is to be remembered that it is an agricultural region. Ultimately the transportation to be provided by water will be used to carry these agricultural commodities to the sea, with a consequent saving to the farmer in lowered freight rates. For the barge line is bound to follow in the wake of this great improvement.

I have endeavored in as few words as possible to sketch the importance to our people of this sweeping project, the authorization and completion of which is the aim of the Oregon delegation in Congress. So far as it has been in my power I have endeavored to hasten the accomplishment of this important improvement. I shall continue to work for it so long as I am in Congress, because I believe that it is vitally necessary to the further development of our great city and our wonderful State and to the continued progress and prosperity of our people.

THE UNIT BANK

Mr. CAMPBELL of Pennsylvania. Mr. Speaker, I ask unanimous consent to have printed in the RECORD a speech delivered by the former Governor of New Jersey, Mr. Stokes, before the Pennsylvania Bankers' Association at Atlantic City.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD by publishing an address delivered by the former Governor of New Jersey. Is there objection?

There was no objection.

Mr. CAMPBELL of Pennsylvania. Mr. Speaker, under the leave to extend my remarks in the RECORD I include the following:

Mr. President, ladies, and gentlemen, I feel at home among the Pennsylvania bankers. I was born in that Commonwealth. Then after a sojourn there of six weeks I followed the example of Washington and crossed the Delaware to serve my native State in the State of my adoption.

The Pennsylvanians owe us Jerseymen an untold debt of gratitude. For centuries our little State has served as a bulwark against Father Neptune, to keep the Atlantic Ocean from washing away the old State of Pennsylvania.

We enjoy having you come to our seaside resorts. We established these resorts in order that virtuous Pennsylvanians of puritanic lives, after six days of virtuous existence, could come here to spend the week-end and to do those things which they would not do at home, without any danger of confidence being violated.

But pleased as we are to have you as our guests, we do not want you to establish branches in our household, as we think that every American community of reasonable size is more competent to manage its own banking and financial affairs, than an alien landlord.

A definition of terms sometimes conduces to a better understanding. When I speak of branch banks I distinctly eliminate what I regard as bank offices. A bank in a city finds its location perhaps somewhat removed from its depositors due to the shift of business just as in Philadelphia business has moved up around Broad Street from Second. Such a situation demands that a bank in order to accommodate its patrons must establish offices in different parts of the city. That decidedly is not branch banking. It is simply the extension of the parent bank for the accommodation of its own customers, and is unit banking with service extended necessary to take care of the bank's business. The law that grants the privileges to banks to expand their business area and have an office outside of the four walls of the parent institution for the convenience of their customers is not a law for branch banks at all. It is simply permission granted to our unit banking system to meet the requirements of the changes of the location of business activities in our various municipalities. A branch bank is an adjunct operation outside of the home city of the parent bank.

The experience of years is usually a wise guide in business affairs. After over 65 years of experience dating from the inaugu-

ration of the national banking system, no American Bankers' Association, at any of its sessions, has declared for branch banking and its only recorded action is in opposition to that system.

The laws of our States on this subject are equally conclusive. In six States the law is silent. Twenty States do not permit branches or even branch offices. Twelve States permit branch offices only in the home city and county of the parent banks. This makes 32 States of legal inhibition of branches and only 10 States permit the system.

Before we depart from a banking policy that has been voiced in legal statutes as the deliberate conclusion of our people after years of trial, we should pause for a moment at least before a Stop, Look, and Listen signal.

The United States Constitution has been the one charter under which free government has permanently survived. It sufficed for the needs of three millions of people on a seaboard line. It sufficed for the growth of a great nation over a continent's expanse. It suffices to-day for over one hundred millions of people with arms stretching out over two seas. It has survived the vicissitudes and changes, needs, and wants of over 130 years of progress of the greatest nation on earth, with only four fundamental changes up to the adoption of the eighteenth amendment. This Constitution that has served so well under which has been written the greatest story of progress—educational, industrial, religious, and agricultural—is entitled to the greatest reverence and should not be lightly thrown aside for a new form of government.

Parallel this illustration with the banking system of America, a system of unit banks under which this country has reached a prosperity greater than any nation on earth, until our pay roll exceeds the pay roll of the rest of the world combined, a system under which we have taken more individuals without means and without capital and by our local banking credit, developed more successful men of every kind of avocation not only than any other nation on earth but of the whole world combined. With this splendid picture of happiness and improvement before me, I hesitate before I take a leap in the dark and adopt the European system of either chain banking or branch banks.

Certainly, judged by results, our unit banking system has been more of its brothers' keeper than that of any other nation and makes the student ask "What is the complaint against the unit bank that has done so well and why change?" Restlessness is not always progress and copying the system of the bankrupt nations of Europe is not necessarily a forward step. We have won our place as the creditor Nation of the world. Let Europe copy our system.

I once heard a speech on individualism as the source of progress, Government ownership the beginning of decay. I delivered it, so, of course, I heard it. It is the individual who does things, not the masses. You may have looked upon some beautiful painting, like that of the Sistine Madonna. An individual painted that picture, the masses never painted a picture. You may have seen a magnificent statue, harmonious in all its proportions. An individual carved that statue; the Government never carved a statue. The masses never made an oration, penned a poem, shaped a cathedral, invented a machine, nor discovered a law of gravitation. It is individuals who take these steps of progress alone, and in so far as we curb individual effort and individual initiative, we retard progress. The reason why America has given us the sewing machine and the electric light, the harvester and reaper, telephone and telegraph, flying machine and radio, and the electrical marvels of the world, is because our individuals have been the captains of their own souls and have not become mere routine automata of gigantic enterprises.

The man who is head of a small institution develops better than the man who is a mere departmental tool of a gigantic corporation. Not that these great enterprises are not necessary. They are profoundly necessary in America to-day as the leading Nation of the world and the hope of civilization. I, for one, most strongly advocate them. But I call attention to the fact that the big corporations, especially the large banks of our great cities, are drawing on the country institutions of the Middle States and the South and the West and New England for their presidents and their vice presidents, men who have developed not in branches but in smaller independent institutions. Numerous instances could be cited, but they might make odious comparisons.

The distinguishing feature of America's financial system has been its numerous independent individual banks. This fact has stood out in a marked contrast to the European system. America has over 24,000 practically independent banks, each locally owned and managed by a local board of directors and officers, who use the funds of the bank legitimately for the development of the community. Contrast this with Great Britain, that has 23 main banks and 9,476 branches, and with France, with 19 banks and 1,351 branches.

This local banking system of ours has been one of our greatest resources and has contributed to America's development and prosperity. The credit of these institutions has been extended to the needs of worthy and enterprising individuals, whom the officers and directors of the various localities personally knew and in whom they had confidence. Many a poor boy through credit extended by his local bank has become a successful merchant, manufacturer, or professional man. On the contrary, in the countries across the sea, where the bank is a more cold-blooded proposition, individuals do not find it so easy to receive accommodations as they do here, where personal character, ability, and ambition are regarded as assets. There is scarcely a community in the country where an illustration can not be

found of some worthy individual with ability and without capital who has been able through the help extended him by his local country bank to make a success in life and add to the development of his country. It has been this personal, humane feature of America's banking system that has made it a motive power for progress such as the world never before saw. The reason for this is fundamental. It is founded upon the law of wealth, as certain as the law of gravitation.

It is a somewhat antiquated political economy that imputes value to anything *per se*. Aside from a few of the fundamental metals and minerals, like gold and silver, diamonds and coal, there is no value in any material thing. There is no value in the hotels, lands, homes, public buildings, docks and wharves, and street-car lines of Atlantic City. They are not worth a farthing. Their value and their wealth lie solely in the brains of Atlantic City's citizens, and if all the people in Atlantic City should leave that city and none ever return to take their place, Atlantic City as a deserted village would not be worth the attention of the tax gatherer. Its wealth would depart with the brains of its departing citizens. It is the brains of the individual, therefore, that are the asset of any nation, and just as you develop the individual you add to wealth and prosperity.

The independent banking system of our country has fitted in admirably and practically with this philosophy. It has worked with the individual and helped him to grow industrially, educationally, inventively, and commercially. It has worked with him because he was a neighbor and an acquaintance and the bankers knew and trusted him and he in turn cooperated therewith. He rose to success through the help of his local independent bank, and rarely would have had that opportunity had he depended upon a bank in some large center, because he would not have known the bank and the bank would not have known him, and credit extension would have been well-nigh impossible. In the little town of Roebling, N. J., on the Delaware, Carl Roebling, then the head of the great John A. Roebling's Sons Co., organized a little bank that has deposits to-day of a million dollars. It admirably serves that community. It helps to build its homes, and to finance its merchants and its public improvements. The bank takes a pride in this work, a work of service because it is a part of the life of the community, and it touches elbows with its needs and its wants, with its aspirations and its prosperity.

If that bank was owned by a Chicago corporation and was one of a great chain system, this personal touch with the little village of Roebling would be lost and its entire relation to the community would be changed. The Roebling bank would no longer be the Roebling bank, but the bank of a foreign landlord and its interest in individual local enterprises would diminish and the plants of purely local and community pride and development would deal with foreign instead of local credit. The chain store—I do not criticize them nor claim they do not serve a useful purpose—have almost entirely eliminated the local merchant who dealt in the same commodities they do, but they are like exotics among the native flowers of the garden. The branch banks would eliminate the local banks as surely as the chains have eliminated the local merchants.

The system of chain or branch banking is contrary to the spirit of American independence which prompted us to throw off the vassalage of a foreign government and our local communities would resent becoming vassals and tributary to a metropolitan banking institution, however fine. We country bankers, and we are largely in the majority, do not object to selecting you metropolitan banks as our correspondents. We seek your advice, we trust you with our deposits, and if the Federal reserve system would pass away so that we could give you all of our deposits we would, but we do not propose to become tributary to your imperial will or become a branch of your great institution so that our community can be drained of the idle balances of our people to feed some other section of the country. Do not misunderstand. The resources of the local banks are always available for all in time of need, but not as a branch under some one else's command, but as an independent sovereign, contributing of its own free will. On the board of the bank with which I am associated are the leading citizens of that community. They take a pride in that institution. They give it their advice and deposits and term it "their" bank. They serve it faithfully and well, but not for one moment would those men serve as underlings in a branch bank or in a chain bank. Under the branch-banking system the country would lose the service of such men as I speak of in its financial affairs, a most valuable asset, and the loss of the services of thousands of local directors throughout this country would be a nation-wide catastrophe.

Davison, of the Central Hanover Bank and Trust Co., well said: "In banking nothing can take the place of the man on the ground who knows local conditions and the man with whom he is dealing and has the power to make his own decisions under a responsibility only to resident ownership control."

The branch-banking system is European, not American. The unit system is American, not alien or foreign. In England, everything is tributary to London, in France to Paris, in Germany partially to Berlin but with a wholly different picture, where the bank becomes a partner in an industrial enterprise.

None of these systems could serve our needs so well as our present unit system. In none of those countries are their farmers like our farmers or their small merchants like our merchants or their small manufacturers like ours. It has been well said that the feudalistic overlord system has no place in American banking where the people want to deal with the bankers of their

own community in an institution whose stock is owned by their own neighbors and friends. May God long postpone the day when this splendid asset of Americanism ceases to dwell in the American heart. The American is not willing to forget his banking independence any more than his forefathers were willing to forget their political independence.

Two recommendations have recently been advanced for branch banking, one is that it would improve the mechanics of banking, creating a highly specialized body of experts who could give the branches the benefit of advice from the parent institution.

The answer to that is most manifest. It fails to consider the human side of the banking function. A bank is a personal institution. It does not sell goods or manufacture material products, it deals exclusively with persons and their possessions and thus it can only be wisely administered by people on the ground, familiar with local conditions. Moreover, the correspondent bank willingly and gladly gives advice on the mechanics and operations of successful banking; but, more than that, the A. B. A. furnishes to every institution a wonderful set of pamphlets upon all phases of banking formula and operations that can not be surpassed by the experts in the parent institution, wide-awake perhaps, but a long distance away.

The second argument, which grows out of the too many failures of banks, is advanced in a most constructive and judicial way by a distinguished public official. This phase of the situation is presented with the suggestion that if these institutions which have failed had been tied to a stronger parent that unfortunate banking story might not have been written. The banks in question, however, upon analysis of their failure are found to be all small institutions in localities where perhaps no parent bank would want a branch and the failures largely were due to a deflation of values in agricultural centers for which bank management was not responsible and over which it had no control. The best banking in the world could not fail to be affected in a period of industrial or agricultural depression or in a stock market crash that drags down and makes bankrupts out of those formerly prosperous. In any country, under any system and under any management, banks would suffer under this condition of affairs. The remedy for hard times and general economic depression is not to be found in branch banking any more than the purity of a stream is improved by the storage of its waters by dams and reservoirs.

When the Federal reserve system was inaugurated and some of you still believe in it, its advocates said, and sincerely said, that it was panic proof, that cheap credit hereafter would always be available, that it would stabilize conditions and that money rates would always be reasonable, but under that system we recently had average higher interest rates than in a long period in our history, credit was scarce and dear, we had a stock-market panic utterly unnecessary and to-day we have industrial business depression and nonemployment. This boasted banking system did not fulfill the prophecy of its sincere proponents and no banking system can escape the consequences of the laws of trade and commerce.

Allied to the branch-banking policy there has developed a system of holding companies for the ownership of bank stock and the control of banking institutions. I trust I am not unfair when I say that this system of chain banking through holding companies is conceived in a spirit of illegality. It clearly violates the laws, both National and State, as they now exist against branch banking. A holding company of Chicago, as an illustration, might own banks in New Jersey, in Pennsylvania, and in other States where the law forbids branch banking. These corporation-owned banks would be linked together and would really become the branches of a parent company, and the antibranch banking laws will thus be nullified and the holding companies would not be under the jurisdiction of the Comptroller of the Currency or banking and insurance commissioners.

Tremendous publicity and propaganda have been utilized to favor this new system. It changes the whole character of our banking policy, creates a foreign owner in the form of a corporation that is impersonal and resident in some metropolitan center controlling the functions of some far distant community bank, destroying their credit, humanity, and ability to serve their community. The bank ceases to be owned by the people among whom it is located and is no longer their possession. One of these holding companies, through its ownership of bank stock, controls one of the largest banks in the world. This bank had at one time 289 branches in one State alone. A local bank, owned by such a corporation, becomes a stranger in the community and that psychological asset called confidence, which binds the bank and the community together, is destroyed. The *Financial Chronicle* of October, 1927, well said:

"Credit is a commodity more important to the people than ordinary commercial products. Tying strings to 30,000 banks and putting them in the control of half dozen companies certainly would not be in the public interest. The independent bank is of immense value to the country and should be preserved at all hazards. Every local merchant and manufacturer is entitled to credit according to his deposits. The creating and maintenance of locally owned and operated banks should be held sacred. The organization of local credit being free business outside the bank will contract or expand in accordance with the average profits that business can earn. Thus the community and local banks go up or down together. To sacrifice this freedom, to initiate new business not only by so-called controlled credit but by means of retaining at home the earnings of its own organized credit, must prove a detriment to a natural progress and prosperity. * * * Ownership by a holding corporation * * * pumps the profits

from the local reservoir and adds nothing in return. Depositors in these local banks now about to be corralled by holding companies are not asking for this change and are loath to see the stock of their local banks go into foreign and unknown and impersonal hands. Local bank stock should be kept at home."

In New Jersey we held up our hands and said to these holding corporations, "Thou shalt not enter" and we passed an act, still upon the statute books, that no corporation should own the stock of a bank or trust company of more than 10 per cent, and we have teeth in that law that makes it effective.

When the Federal reserve system was created, in order that it should not become centralized, it was divided into 12 districts. The act went further and provided that directors should be voted for by classes so that a Federal reserve bank is always beyond the control of a majority or combination of the banks of the district but the holding company policy threatens this safe-guard against centralized monopoly. It could own enough of the member banks in a Federal reserve district to absolutely control the directorships thereof and control rediscount rates subject of course to the Reserve Board at Washington, and use the powers of the Federal reserve bank for its own corporate advantage. The possibilities of such a gigantic corporation are terrifying.

But aside from the uneconomic, un-American, feudalistic spirit of branch or chain banking, it is amateurish in its daring. Under it would arise the greatest of all trusts, a money trust, utterly abhorrent to the American people who are our masters. This is a case where angels fear to tread.

The chain system boasts of its progress. The other day I received a pamphlet declaring that this movement could not be stopped any more than old King Canute could stop the rising tides of the sea. I wonder if this pamphleteer ever read American history? He seems to forget that whether wisely or unwisely America will not permit concentrated power in any enterprise or in any vocation, and when the American people take the bit in their teeth and attack a monopoly or trust they always go to extremes and endanger the welfare of the country and do injustice to the objects of their wrath. We have seen our railroads attacked, I think unjustly, until in the hysteria of the hour 40 per cent of them were driven into receiverships or bankruptcies. We have seen our industrial combinations, manufacturing, public utilities, attacked with a vehemence that sent some of their officials to jail and injured their progress. I am sure in many cases it was unfair and unjust; indeed, in most cases. To-day Congress is investigating and threatening holding corporations of railroad stocks and the Interstate Commerce Commission is raising a red flag to frighten the people about a danger that to me does not really exist. To-day Congress is investigating the mergers of public utilities and the holding companies of their stocks and spreading a propaganda of socialistic opposition that will end either in Government ownership or in drastic laws that will injure the prosperity of these great and useful enterprises. The man who fails to learn the lesson taught by the resentment and anger of the American voter against concentration of wealth or power is indeed an amateur, and whether he is right or whether he is wrong in advocating branch or chain banking he invites a deluge which will overwhelm him to his sorrow if not to his ruin.

These men are like the blind traveler who walks over the precipice. Branch banking may become our policy. Chain banking may become our policy. I do not think it will, but when it does the American people will rise up in their wrath as surely as the rising of the sun, and, in their unreasoning and unjust indignation, will visit a vengeance upon our banking system that will hamper constructive progress and seriously injure our banking institutions and precipitate a financial panic such as will make the advocates of this policy rue their folly and their blind obliviousness to American resentment of centralized power.

At this point allow me to say that I am not arguing as to the wisdom of this policy, but, like Elijah, to whom nobody would listen, I am pointing out to you from the history of this country what we should all foresee and what we should hesitate to invite—the disastrous consequences that will follow a concentration of money power in defiance of the independent spirit of the American voter.

Do not try to make your banks too big by reaching out into territories where you do not belong. Do not try to stretch your holding-company chain, even if you have the power. The sword of Damocles hangs over your head and it will surely fall. I would rather be a small bank with the love of my community than a too large institution with the resentment of my fellow-men.

I have spoken strongly on this subject, perhaps too strongly, because I feel strongly. Ours is a Nation of depositors. The bank, like the church, is a community enterprise, its stock a community investment, its success a community pride. It is a community temple where the saver and the borrower meet in a home they call their own, whose vestal fires must be kept alive by the trusted financial priests of their own hearthstones. [Applause.]

TAX REFUNDS

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to speak for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. HAWLEY. Mr. Speaker, on Tuesday of this week the gentleman from Texas [Mr. GARNER] indulged in one of his periodic outbursts concerning refunds of taxes. I would

much prefer to commend a colleague on the floor for his remarks rather than to take the floor to show up his inconsistencies, but the situation is such that I must assume the latter attitude. In the course of his remarks he cited certain instances where taxes had been refunded to contributors to Republican campaign funds. If he had intended to present the whole matter he would likewise have presented a statement of the Democratic contributors to Democratic campaign funds who had likewise received refunds. Why did he not present a full statement? In order to untwist that twist in his speech, I offer the following:

Herbert Lehman, who contributed \$25,000 to the Democratic National Committee, is a director of the Studebaker Corporation, which received a tax refund of \$106,948.

Irene du Pont, who contributed \$5,000 to the Democratic National Committee, is a director of the Equitable Life Insurance Co., which received a refund of \$564,829.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GARNER. Is the gentleman referring now to the campaign fund of 1928 or of 1930?

Mr. HAWLEY. I do not have the figures in that form. They give the contributions to Democratic campaign funds made by persons who have received refunds.

Mr. GARNER. But I drew the gentleman's attention to the fact that the contributions were made in 1930. Mine were all recent cases. The gentleman is going back to the 1928 campaign funds?

Mr. HAWLEY. Yes.

Mr. GARNER. If the gentleman can find any in 1930, I would like to see them, because if they have, I have been misinformed. There was only one man who had contributed anything in 1930 who had ever received a refund of taxes.

Mr. HAWLEY. As I remember the remarks of the gentleman from Texas, he did not state the time when the contributions were made.

Mr. GARNER. Oh, yes; I did.

Mr. BACHARACH. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BACHARACH. What difference does it make in what year it was made, whether 1928 or 1930. The fact is that the money went to the Democratic campaign fund.

Mr. HAWLEY. I can not see that it makes any difference. I am citing instances of refunds made to contributors to Democratic campaign funds.

Morgan J. O'Brien, who contributed \$6,000 to the Democratic National Committee, is a director of the Metropolitan Life Insurance Co., which received a refund of \$771,848.

Arthur Lehman, who contributed \$14,000 to the Democratic National Committee, is a director of the Continental Can Co., which received a refund of \$104,049.

P. S. du Pont, chairman of the board of E. I. du Pont de Nemours & Co., which company received refunds and credits of \$13,127,664. I do not have the amount of the contribution he made to the Democratic campaign fund.

Mr. Joseph P. Tumulty, receiver for the Middle States Oil Corporation, which company received refunds and credits of \$525,472.

Mr. BACHARACH. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BACHARACH. I just want to call attention to the fact that Mr. Tumulty was Secretary to a former Democratic United States President.

Mr. McKEOWN. Will the gentleman yield?

Mr. HAWLEY. I yield briefly.

Mr. McKEOWN. Mr. Tumulty would not be in a position to pay it out of the receiver's funds to any party, would he? He was the receiver of this oil company.

Mr. HAWLEY. Yes; but he is a Democratic contributor interested in a business which did receive a refund.

Mr. McKEOWN. But he does not get the money. It went to the company for which he was the receiver.

Mr. HAWLEY. Victor Emanuel, who contributed \$5,000 to the Democratic National Committee, is a director of the Philadelphia company, which, with its subsidiaries, received a refund of \$2,291,617.

John W. Davis, who contributed \$5,000 to the Democratic National Committee, is a director of the Mutual Life Insurance Co., which received two refunds, one of \$550,515 and another of \$674,286.

The Untermyer family, which contributed \$25,000 to the Democratic National Committee, is represented on the board of the Bethlehem Steel Co., which received a refund of \$434,858.

Bernard M. Baruch, who contributed \$50,000 to the Democratic campaign fund, received a personal refund of \$6,205.

John J. Raskob, who contributed \$150,000, received a personal refund of \$3,968.

In the short time I have had available I have been able to assemble only a few instances.

Mr. BLANTON. Will the gentleman yield?

Mr. HAWLEY. I will yield briefly.

Mr. BLANTON. With the exception of the two small items aggregating \$9,000 last mentioned, all of the other big items were for corporations the stockholders of which were probably all Republicans or mostly all.

Mr. HAWLEY. The gentleman is not correct.

Mr. BACHARACH. Will the gentleman yield?

Mr. HAWLEY. I yield.

Mr. BACHARACH. I presume Republican stockholders would elect a Democrat, then, as a member of the board of directors?

Mr. BLANTON. Oh, if they had good judgment they would.

Mr. HAWLEY. I make this statement for the purpose of making this observation, that refunds have been made to millions of taxpayers without respect to party affiliation, but made under the requirements of the law and in compliance with decisions of the courts.

The situation is that a taxpayer reports his annual income, the tax which he thinks he should pay, in his tax return. Those returns are examined in the field by three separate groups, and when they come to Washington they are further examined by five separate groups.

Whenever, in the judgment of the persons charged with this matter of investigation of any return, it appears to them that the taxpayer has underpaid his taxes, they levy additional taxes to cover any possible failure on the part of the taxpayer to return the proper amount. If for any reason they think there might be any danger of the Government not being able to collect the taxes they levy a jeopardy assessment. When these returns have all been diligently examined, when the examination has been made in the field and in the bureau, and all the available information it is possible to obtain has been collected, the cases are thoroughly reviewed, taking into consideration the provisions of the law and court and board decisions, in view of all the precedents that have been established, and determine how much of the additional taxes the taxpayer ought to pay. Under the law they retain that amount in the Treasury, but also under the law the taxpayer can sue for his return. They return all the balance that is not justly due the Government. There is no evidence or indication that political affiliation or other influence is given any weight or consideration.

Now, that is only honesty in Government. They never inquire of the taxpayer, and I doubt if they could tell one time in 10,000 the political affiliation of the taxpayer, as the returns come in and are considered. They never inquire of them whether taxpayers belong to one party or the other.

The implication that the gentleman from Texas apparently desired to leave was that the Treasury, as now organized, was engaged in returning to contributors to Republican campaign funds some money in the form of refunds, and the gentleman further left the implication that this was done as a matter of reimbursement, to encourage other contributors so to contribute. If that were the policy, why should they resort to this round-about method? The easiest, the simplest, and most direct way that could be discovered would be to levy no additional assessments at all.

The fact that the Treasury has levied more than \$5,000,000,000 in additional assessments on taxpayers of all parties impressively refutes the suggestion of favoritism.

Mr. GARNER. Will the gentleman yield?

Mr. HAWLEY. In just a moment. Such a proceeding would not bring the matter to attention or discussion, cases would not come to Congress or any committee thereof, and could be settled in such way as never to cause any remarks.

Mr. GARNER. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. GARNER. Does the gentleman think it was absolutely necessary for his party's interest and welfare in the last election to take the Commissioner of Internal Revenue out of that office and put him into the job of collecting campaign funds for your party?

Mr. HAWLEY. Every citizen in the United States is entitled to select the occupation that suits him best and pleases him most.

Mr. GARNER. But you took your Commissioner of Internal Revenue out of that office and put him in the office of collecting campaign funds.

Mr. HAWLEY. If he desired to enter into that occupation he had a perfect right to do so.

Mr. GARNER. He had the right to do so, but he was the one man who had more information concerning these tax refunds than any other man in the whole country.

Mr. HAWLEY. And does the gentleman suppose the former Commissioner of Internal Revenue influenced the Democrats to give contributions to the Democratic campaign fund because such contributors received refunds? The thing is absurd in itself. [Applause.]

Now, suppose a conspiracy existed in the department such as has been indicated by the gentleman from Texas. The greater part of the personnel in the department and in the field which handles these tax refunds is under the civil service, and at least half of them are members of the Democratic Party. They are about equally divided, according to the information I have, because the civil service knows no party relations. There are but few of these persons who handle tax matters who are personally appointed. If a conspiracy existed it would need to involve all the civil-service personnel employed in the collection of taxes; it would need to include men and women of all parties, and it would need to have continued for more than 10 years, with no person ever suggesting, except the gentleman from Texas—who has had nothing to do with the matter—that there was such a conspiracy. As I said before, instead of going through this great amount of work or reauditing returns, levying additional taxes, and planning to refund the money to certain classes of persons as a reward for campaign contributions, the easiest thing to have been done was not to have assessed them any additional tax whatever.

More than that, if you will go through the general returns and general amounts collected it will be found that those who are Republicans by affiliation have been as hard hit in the additional assessments as others. What I am meaning to say is that there is no such thing existing, except in the mind of the gentleman from Texas, that is, that political favors are being distributed by the Treasury Department. Every taxpayer's return is audited upon its merits and upon all the facts that are ascertainable. He is taxed that additional amount which he ought to pay and is returned that amount which is not justly due. The Government ought to be honest with its taxpayers and this Government is trying to be so.

The gentleman from Texas raised another question relating to the percentage of refunds from year to year. If you will take the aggregation for the years from 1917 to 1921, the aggregation of additional assessments, you will find that during the last four years of Mr. Wilson's administration they made additional assessments of about \$636,747,037, but in the first four years of the present administration of the Treasury Department they made additional assessments of taxes amounting to over \$2,157,904,700. When our Democratic friends retired from their last administration they left on the desks of the Treasury vast accumulations of returns that had not been handled because of an insufficient force and because the force had not been trained in the handling of such large amounts. When Mr. Mellon took over the Treasury—a man of great ability and wide

experience in the management of great affairs—he immediately effected a better organization, which began the auditing of these returns and I want to read you the results. When they began the settlements on a large scale and began to diminish the accumulated returns, necessarily they dealt in larger sums and in larger amounts. The returns undisposed of at the end of the years 1920, 1921, and 1922 are not available, but for 1923 there were 3,032,544 returns undisposed of at the end of the year. That number decreased about 600,000 the next year, the next year 400,000, and it gradually declined, until at the end of the year 1930 there were 221,893 estimated to be yet undisposed of.

For instance, in 1925 ninety-six per cent of the additional assessments were for the war years 1917 to 1921, when the department was under Democratic control. It is fair to assume that prior to that time nearly 100 per cent of the additional assessments were for those same years. In 1926 90 per cent of the additional assessments were for the years 1917 to 1921. It was not until 1927, when the percentage fell to 59 per cent, that the present Secretary of the Treasury began to clear up the mess left by the Democratic organization, which would have let millions in taxes escape from failure to assess proper additional taxes. Finally, in 1930, the percentage of additional assessments applying to 1917 to 1921 fell to 25 per cent, showing that the department has now nearly finished with the heritage of work left by the former administration. In the same year, as might be expected, both additional assessments and refunds decreased from the mere fact that the department was practically current with its work and not for the various other causes assumed by the gentleman from Texas.

To show how the department has been put on a business basis, I will give the following figures showing total number of returns disposed by the Income Tax Unit for each of the recent fiscal years, and also the number of returns on hand undisposed of at the close of each of these years. I am giving all the data on these items which are immediately available. The figures are as follows:

Returns handled by Income Tax Unit

Fiscal year	Returns disposed of during year	Returns on hand and undisposed of at end of year
1920	697,863	(1)
1921	1,570,937	(1)
1922	954,731	(1)
1923	1,292,612	3,032,544
1924	2,329,191	2,430,055
1925	1,751,613	2,011,084
1926	2,155,933	742,740
1927	2,482,021	474,535
1928	3,247,703	328,186
1929	2,198,695	270,447
1930	2,297,351	221,893

¹ Not available.

These facts show indisputably the very satisfactory present condition of the Income Tax Unit.

None of the statistics given by Mr. GARNER, or in the reports of the Secretary, for that matter, can be properly understood without a proper appreciation of the magnitude of auditing millions of returns annually and without recognizing the fact that when the Income Tax Unit was established it was woefully undermanned to cope with the task of collecting the high war taxes suddenly applied.

Personnel of Internal Revenue Bureau

Close of fiscal year—	Bureau in Washington	Field force	Total
1917	585	4,520	5,114
1918	1,597	7,257	8,854
1919	4,088	9,967	14,055
1920	5,912	12,528	18,440
1921	7,052	12,541	19,593
1922	7,275	14,133	21,388
1923	7,239	13,756	20,995
1924	6,447	12,756	19,203
1925	6,176	13,157	19,333

Personnel of Internal Revenue Bureau—Continued

Close of fiscal year—	Bureau in Washington	Field force	Total
1926	4,843	13,060	17,903
1927	3,801	9,410	13,211
1928	3,661	9,253	12,914
1929	3,584	8,689	12,273
1930	3,448	8,531	11,979

I completely answered Mr. GARNER's arguments on this case on this floor last spring, and I do not intend to repeat the statement now. It is all in the RECORD for those who doubt the propriety of this refund. (See CONGRESSIONAL RECORD for Thursday, March 20, 1930, pp. 5743-5766. Also the remarks of Mr. TREADWAY and Mr. BACHARACH.)

In conclusion, Mr. GARNER reverts to his desire for investigating all these matters. He has that power now. I have repeatedly urged him to go down in the Treasury with our staff and look through these voluminous files and see what he can find. Now, the papers in the United States Steel case alone fill two good-sized rooms, and will furnish the gentleman from Texas a good example of what a task is faced by the Secretary of the Treasury. It is easy to criticize, but hard to do better. Perhaps the gentleman would come back convinced that if we litigate all these cases, a final closing of tax liability will be a thing to be handed down from generation to generation.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. HAWLEY. Mr. Speaker, I ask unanimous consent to proceed for five additional minutes.

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mr. HAWLEY. The Treasury Department gradually attacked these undisposed of returns, refunded the amounts of money that ought to be repaid, and kept the amounts of money that should be paid into the Treasury, with the result that beyond all question of any deduction that anyone might say ought to be made, and I am not conceding the correctness of the suggested deductions, the administration has added in excess of \$1,838,000,000 to the income of the United States above that which the taxpayers had returned. [Applause.]

Mr. MOORE of Virginia. Will the gentleman yield?

Mr. HAWLEY. Yes.

Mr. MOORE of Virginia. Before the gentleman concludes, will he tell us exactly what kind of investigation the joint committee makes of these refunds exceeding \$75,000, who the experts are, how they are selected, who attends the meetings, and so on?

Mr. HAWLEY. The joint committee, as the gentleman from Virginia knows, was the creation of Congress. Its duties are defined. The Treasury shall send to it from time to time all proposed refunds in excess of \$75,000, and for a period of 30 days, under the law, they are pending before the joint committee. The joint committee has no authority to make a refund or increase or decrease a refund or to deny the payment of a refund by the Treasury. It must report to Congress a statement of the proposed refunds submitted to it.

When the joint committee was organized several years ago under Judge Green as chairman, a meeting was held and a course of procedure determined. Judge Green selected the present staff. Mr. L. H. Parker, who was the chief of staff of the Couzen's investigating committee, is the chief of staff.

When these proposed refunds are transmitted, Mr. Parker sends a notation of that fact to all the members of the committee. Twenty-eight per cent of the refunds that come to us are based upon court decisions; 57 per cent are simply booking and clerical errors; 15 per cent involved questions that require some consideration or interpretation of law.

Of the 28 per cent that come as the result of court decisions the staff investigates to see whether the decisions

have been properly applied by the Treasury. Of the 57 per cent that are clerical or bookkeeping errors, they verify the accounting.

All of these, I should have said, are considered in conference with the Treasury, and the objections of the staff are considered and given due weight and modifications are made in conformity with an agreement upon the proper amounts.

Of the 15 per cent, if there are any questions that are not satisfactorily answered to the staff, if they believe the law has not been properly applied or the decisions of the courts properly interpreted, they are brought to the attention of the joint committee; otherwise the staff acts as an auditing body.

When a member of the joint committee receives a notation of a proposed return, he can ask for a meeting of the joint committee. He can take the staff and go to the Treasury Department and investigate them *de novo*. He can have access to all the books of the Treasury and all the information of the Treasury upon them. If no question is raised, they are not further considered by the joint committee.

No Member has been denied a hearing on any proposition submitted to the joint committee.

The gentleman from Texas proposes a special committee be appointed. Let me call your attention to that. In 1928 we had before us the settlement for 1917 with the United States Steel Corporation, and at that time the Treasury gave notice to the joint committee that the 1918, 1919, and 1920 settlements would be on in the near future. We considered the proposed settlement for these years on December 11 and 12, 1930, 448 days after notice had been given.

The documents, papers, and so forth, in this case occupied two rooms in the Treasury Building, all the shelving and the tables. The gentleman from Texas [Mr. GARNER] was especially urged to examine those matters and he said here on the floor of the House, after 448 days, that he had not been in those rooms. Now, if a man will not avail himself of the opportunities he has, what complaint has he?

Most of his attack against the Treasury Department upon its conduct of the Bureau of Internal Revenue consisted of a restatement of old charges and accusations which have on various occasions been effectively and conclusively answered. The only new feature was a discussion of the relation of refunds, abatements, and credits to income, excess profits, and estate taxes assessed and collected.

In order to have any accurate understanding of the point involved it is necessary to have clearly in mind the method used by the Government in assessing and collecting taxes during the years 1917 to 1924. Prior to the 1924 act and the creation of the Board of Tax Appeals the practice was to assess taxes sufficient in amount to cover all doubtful issues and to determine the true amount of taxes later. Taxpayers were given the right of filing claims in abatement covering all or part of the tax liabilities where the taxpayer believed that the tax assessed was not due and he proposed to submit additional data to prove his case. This necessarily left many issues to be adjusted after the returns were filed and after the Government had completed its preliminary investigations and made its preliminary assessments. In a vast number of instances the assessment of taxes under this method was purely a preliminary procedure and inevitably large amounts of these assessments were later abated or wiped out of existence. The assessment of the tax, therefore, brought nothing into the Treasury and its abatement took nothing out.

An abatement can therefore in no sense be considered as comparable to a refund. It does not involve the payment of moneys out of the Treasury of the United States. It amounts to no more than the concession by the department of a taxpayer's protest against a proposed deficiency. It is nothing more than a wiping out of a bookkeeping charge that had been tentatively made against the taxpayer pending future decision, and Mr. GARNER has no justification for including amounts abated in his statement of refunds made out of the Treasury.

The total amount of abatements and credits over the 14-year period referred to by Mr. GARNER is \$2,252,042,676. While the separate statistics are not available, it is known that abatements constituted by far the larger amount of this sum. Furthermore, for reasons illustrated hereafter, the published figures necessarily include duplication of items, and in other cases, while the amount allowed the taxpayer takes the form of an abatement, it was never as a matter of fact due. For example, it is well known that under our estate tax law the taxpayer is entitled to a credit against Federal estate tax of amounts paid in inheritance or estate taxes to the various States up to 80 per cent of the amount of the Federal tax. Upon the filing of the Federal return the Government, in accordance with established practice, assesses the full tax liability. Later when the estate has ascertained and paid its tax liability to the various States it is entitled to a credit of these amounts up to 80 per cent of the Federal tax, and this credit takes the form of an abatement. It is therefore seen that the assessment of substantially 80 per cent of the tax liability as indicated upon the return is purely a temporary matter that adds nothing to the Government's collections, and the abatement thereof upon final adjustment of accounts between the taxpayer and the Government results in nothing which is properly comparable to a refund. The gentleman from Texas recently, in a statement given through his office to the press, incorrectly stated these facts in relation to the Federal estate tax. Under date of December 5, 1930, the New York Times published a statement made public through the office of Representative GARNER indicating that a refund of \$16,966,258 had been made to the Payne Whitney estate.

Of this amount, \$16,329,217.26 represented estate or inheritance taxes paid to New York and other States which under the provisions of the Federal estate tax law were to be credited upon the amount due the Federal Government and did not in any sense of the word constitute a refund. Yet the gentleman from Texas, as part of his political campaign against the Treasury Department, was willing to have the public believe that the Treasury Department had allowed this refund running into millions to this particular estate.

To illustrate further, in one large consolidated case an additional tax of \$3,000,000 was proposed because the department was advised of impending dissolution proceedings. Section 280 of the revenue act of 1926 authorizes the department under certain circumstances to proceed against the individuals or corporations to whom the assets are distributed. There were three such companies in this case. The law authorizes the collection of the full amount from any one of the distributees who received assets in the amount of the liability. Proceedings must be started within a limited period to protect the Government's opportunity to collect. There is not time to determine within that period what the distribution of the assets might have been, and so the tax is proposed in the full amount against all of the individuals or corporations. In this case taxes aggregating \$15,000,000 were assessed against various taxpayers, or five times the amount of the tax proposed, so that at least \$12,000,000 will be eliminated. Certainly, Mr. GARNER will not charge that the department should not abate in such a case as this, nor can such abatement be termed in any sense a refund.

Another instance: A tax case involves a bootlegger who is known to have operated under numerous aliases. The tax is assessed in the full amount under a number of different names. The full tax, penalty, and interest proposed was \$611,682.57. The amount was assessed seventeen times, and, of course, in any event must ultimately be eliminated sixteen times. Since the Government's chances of reaching assets of members of this fraternity are not of the best, it may be abated perhaps seventeen times. Surely Representative GARNER may not complain in such a case as this that the department is abating taxes without proper warrant.

The operation of credits can be very concisely stated, as follows: If upon final adjustment of tax liability it is found that a certain taxpayer has overpaid his tax by \$1,000 for,

say, 1918, and that he owes the Government \$2,000 for 1920, the simple procedure prescribed by law is for the Government to credit the \$1,000 to the \$2,000 and then collect the difference of \$1,000 in cash from the taxpayer, and this is exactly what it does. It is nothing more than the offsetting of accounts between the taxpayer and the Government, just as any two individuals would do. It may thus be seen that a credit bears some resemblance to an abatement and some resemblance to a refund. It is similar in character to a refund, but it differs from a refund in that a credit does not involve the return of taxes actually collected. Moreover, from an accounting and budgetary standpoint, credits should not be included in refund figures since they do not involve payments from the general fund for which annual appropriations have been made by the Congress. Refund figures conform to the sums actually expended as the result of an appropriation.

It is these abatements and credits which Mr. GARNER proposes to add to the refunds in order to afford a basis of comparison, i. e., a comparison showing the relationship between total refunds, credits, and abatements to total collections. It is noted that certain of Mr. GARNER's other comparisons are also illogical. For example, he proposes to take the receipts for the 14-year period—1917 to 1930, inclusive—of income, excess profits, and estate taxes and compare them with the total refunds, credits, and abatements of all internal-revenue taxes, notwithstanding that substantial refunds were made during these years of many miscellaneous taxes. In this respect he falls into the error of comparing unlike things.

Mr. GARNER points to the fact that through the years 1917 to 1921 the percentage of refunds to income, profits, and estate-tax collections varied from one-tenth to eight-tenths of 1 per cent, while in 1922 the percentage increased to 2.2 per cent, and in 1926 to 8.3 per cent, while in 1927 the percentage dropped to 4.5 per cent, and since that time has varied from 4.5 to 7.9 per cent. From this he evidently infers that had it not been for the new administration which came into office in March, 1921, the percentage of refunds to collections would have continued to be less than 1 per cent, and had it not been for the creation of the Joint Committee on Internal Revenue Taxation in 1926 the percentage of refunds would have continued to run in excess of 8 per cent.

Anyone familiar with the administration of income tax laws knows that during the period from 1917 to 1921 the activities of the bureau were principally in the nature of gathering additional data through field examinations and otherwise preliminary to the making of final adjustments of tax liability, which adjustments were made in the later years. The period of adjustments fell principally in the years 1922 to 1926, although it has continued up to the present time. The Joint Committee on Internal Revenue Taxation was not created until the larger part of these adjustments had been made. From that time forward the amount of refunds was less than in prior years—not due to the creation of the joint committee but simply because the Treasury Department had closed up a large number of the more important cases in the prior period. It should also be noted that the percentage of refunds to collections from 1922 to 1926, inclusive, amounted to 6.36 per cent, while the percentage of refunds to collections from 1927 to 1930, inclusive, amounted to 5.95 per cent, or only fifty-nine one-hundredths of 1 per cent less than those for the period 1922 to 1926, inclusive. The unevenness of the percentages of refunds to collections over the period 1926 to 1930, inclusive, was not due to the creation of the joint committee but to other considerations, such as the fact that the bureau's appropriations for refunds at times became exhausted, necessitating the holding up of refunds until new appropriations were made available. Furthermore, the creation of the joint committee and its staff with the requirement that refunds in excess of certain amounts be submitted to the joint committee before payment prolonged the consideration of cases to a certain extent in 1927. When the machinery to take care of the new requirements came into

full operation in 1928 and 1929, the percentage of refunds to collections showed an increase.

The Treasury Department submits annually to the Joint Committee on Internal Revenue Taxation a complete analysis of its overassessments for the preceding year showing the causes therefor. In a Treasury letter dated April 25, 1930, addressed to Hon. WILLIS C. HAWLEY, chairman Joint Committee on Internal Revenue Taxation, and accompanying such analysis for the period from February, 1929, to January, 1930, inclusive, the following statement was made:

In this connection it is particularly interesting to note that 84.409 per cent of the overassessments of income taxes and 91.23 per cent of the overassessments of estate taxes are attributable to clerical or bookkeeping adjustments or to causes beyond the control of either the Treasury or the taxpayer; that is, to adjustments after the payment of the tax based upon causes which could not fairly be considered prior to the payment, such causes being:

	Per cent
Court and board decisions	37.250
Duplicate and arbitrary assessments	11.172
Depreciation and depletion adjustments	10.083
Inventory changes	3.891
Shifts of income	7.567
Special assessment	3.691
Amortization and loss adjustments	3.962
Invested capital and affiliation changes	4.318
Specific legislation	2.475
 Total	 84.409
 Estate taxes:	
Court and board decisions	34.890
Credit for State inheritance taxes	47.950
Executors' fees, expenses, etc., paid subsequent to filing return	3.960
Duplicate assessments	4.430
 Total	 91.230

The letter of April 25, 1930, as well as the analysis of overassessments submitted by the Treasury Department may be found in House Document No. 478, Seventy-first Congress, second session, entitled "Refunds and Credits of Internal Revenue Taxes, 1929."

Coming now to Mr. GARNER's favorite contention that the income tax law should be administered by the courts and not by the Treasury Department, and more particularly to his criticism of the settlement with the United States Steel Corporation, he once more protests that the case should have been tried in the courts. In this connection it is desirable to point out that during the past five years the Board of Tax Appeals has considered cases which are reported in some 21 volumes, and that the tax cases decided by the courts would likewise fill a substantial number of volumes. And the board still has upon its docket some 16,000 cases awaiting trial. These represent cases in which the bureau has been unable to reach a satisfactory agreement with the taxpayers. If the bureau had submitted every question concerning which there was some doubt to the board or to the courts, it is probable that it would have been necessary to change the entire judicial system of the country. In the case of the Steel Corporation, Mr. GARNER ignores the fact that this complicated and voluminous case occupied the attention of a corps of lawyers, engineers, and other experts over a period of years; that the files alone would fill a large-size room; that its trial would have taken a period of months in any court, which could not possibly have been as well equipped to determine the difficult points at issue as the bureau officials who have devoted years to its study. This company represented the Government's largest taxpayer during the profits-tax years. For the years 1917 to 1920, inclusive, the tax assessed on the company's original returns amounted to \$503,059,003.22. From time to time the Government collected additional taxes which totaled \$57,069,196.32. The eventual adjustment of accounts between the taxpayer and the Government showed overpayments of \$75,060,543.30, which resulted in a net refund of original taxes of \$17,991,346.98, or 3.58 per cent. The admitted policy of the Steel Corporation during the war was to pay all additional assessments without question, regardless of their inaccuracy, leaving a proper adjustment to a

later date. It does not seem extraordinary that in interpreting and applying the complex and intricate provisions of the profits tax laws the corporation should have made an error amounting to 3.58 per cent.

Mr. GARNER again calls attention to the fact that after the Government had settled this case the Court of Claims handed down a decision in the case of the Packard Motor Car Co. against United States, under which the Government might have been benefited to the extent of some \$6,000,000 of tax and \$4,000,000 of interest. Whether this is true is open to very serious dispute. The issue to which Mr. GARNER refers relates to the handling of intercompany profits in the opening 1918 inventory for normal tax purposes and was not directly involved in the litigation before the Court of Claims in the Packard case which dealt with these intercompany profits for profits-tax purposes. The Department of Justice, in arguing against the petition for certiorari to the Supreme Court filed by the Packard Motor Car Co., took exactly this position, and claimed that the decision except by dictum, which is not entitled to weight as a legal precedent, was not contrary to the bureau rulings which the Government followed in adjusting the United States Steel case. Furthermore, the normal-tax issue, which was not directly before the Court of Claims, is now pending before the Board of Tax Appeals and other district courts and may eventually be decided contrary to the Court of Claims dictum in the Packard Motor case. However, assuming for the purpose of argument that Mr. GARNER is correct in his statement that the Packard Motor Car Co. decision indicates that the Government refunded an excess of some \$6,000,000 of tax and \$4,000,000 of interest in the Steel case, this by no means proves that the Government did not use good judgment in settling the Steel Corporation case. If the taxpayer had succeeded in the Packard Motor Car Co. case, the decision would have shown that the Government in the Steel Corporation case should have refunded an additional amount of approximately \$36,000,000, carrying interest of approximately \$24,000,000. In other words, the Government conceded a possible \$10,000,000 against a possible \$60,000,000, which in a matter of doubtful litigation would ordinarily be regarded as a good settlement.

Aside from using dictum found in the Packard Motor Car Co. decision on which to base his contention that the Government refunded an excessive amount of \$6,000,000 in tax and \$4,000,000 in interest in the United States Steel case, Mr. GARNER suggests a possible application of this decision to years prior to 1918 which involved considerations entirely different from those existing as to 1918, and notwithstanding the Court of Claims expressly excluded such prior years from consideration in rendering its decision as to tax liability for 1918 under the revenue act of 1918.

In this connection Mr. GARNER intimates that the Government may have refunded an excess of \$17,000,000, plus interest, to the United States Steel Corporation for the year 1917. In making this intimation he has disregarded the case of L. S. Donaldson & Co. (12 B. T. A. 271), wherein the Board of Tax Appeals, in a carefully considered decision, has held that the principle thereafter applied by the Court of Claims under the revenue act of 1918 for the year 1918 has no application to the years controlled by prior revenue acts.

If the bureau should defer the closing of all cases until the issues involved therein have been finally determined by some court decision, administration would come to a standstill. Meantime interest would continue to run and would reach staggering figures. The various doubtful issues must, wherever possible, be balanced one against the other in an effort to reach an equitable and prompt disposition of cases, fair to both the Government and the taxpayer.

The present situation with the Steel Corporation furnishes an excellent illustration. Mr. GARNER has on various occasions protested vehemently that the Steel Corporation settlement was disadvantageous to the Government because, according to his statement, the subsequent decision in the Packard Motor Car Co. case would have benefited the Government to the possible extent of \$10,000,000. He is appar-

ently unaware of the fact that the Court of Claims has very recently handed down a decision in the cases of Hyatt Roller Bearing Co. and other companies against United States which decided another issue which was of major importance in the United States Steel Corporation case involving the determination of consolidated invested capital. When the decision of the Court of Claims in the Hyatt case is applied to the facts in the United States Steel Corporation case it is found that the United States Steel Corporation would be entitled, had not that case been finally closed, to an additional refund of about \$36,000,000 in taxes plus about \$22,000,000 in interest or a total of \$58,000,000. On the basis of decisions rendered to date it is thus seen that the Government's action in settling this very complicated and difficult case administratively instead of through the courts has resulted in the saving of many millions of dollars to the Government.

The Treasury Department offers no apologies for the refunds that have been made during the period covered by Mr. GARNER's study. Elaborate precautions have been taken to see that the interests of the Government have been fully and adequately protected. A system has been set up which provides adequate checks and review in all cases. The suggestion that under this system refunds are made for political or other improper purposes is preposterous. The record of the Treasury proves that it has stoutly contested with taxpayers its right to retain moneys paid in taxes, but when a proper case is made and an erroneous payment is established the taxpayer's money should be refunded promptly and without quibble. [Applause.]

The SPEAKER. The time of the gentleman from Oregon has expired.

AGRICULTURAL CONDITIONS IN NEBRASKA

Mr. HOWARD. Mr. Speaker, ever since this session of the Congress convened we have been under the shadow of distress. Everybody has talked distress and destitution due to the great drought of the past year.

The SPEAKER. Does the gentleman from Nebraska desire unanimous consent to make some remarks?

Mr. HOWARD. If you please, Mr. Speaker.

The SPEAKER. What period of time?

Mr. HOWARD. Oh, I think about five minutes.

The SPEAKER. The gentleman from Nebraska asks unanimous consent to proceed for five minutes. Is there objection?

There was no objection.

Mr. HOWARD. Mr. Speaker, for three painful weeks the membership of this House has been trending through the Valley of Distress. Member has vied with Member in carrying to our ears the sad story of destitution in those districts where the abnormal drought of the past summer destroyed every living thing in the vegetable world. Our eyes have been dimmed by the pitiful word pictures loosed from the lips of our colleagues in earnest appeal for quick action by this Congress in effort to lift the people in the stricken sections out of the slough of despond and to give hope to hearts from which hope had fled.

In these ought-to-be-glad pre-Christmas days I had hoped that the stories and pictures of distress might give way to conversations and pictures fraught with more of happiness and hope, and with less of sorrow.

Vain hope. Within the hour we have seen and heard America's master picture of grief, in the personality of the ponderous and distinguished gentleman from Oregon [Mr. HAWLEY]. No melancholy Dane was able to display so much of misery of countenance as was displayed by the facial outlines of our HAWLEY while he was making effort to explain a miracle—the miracle of making Treasury figures and estimates of yesterday jibe with figures and facts of to-day. The only redeeming thing in connection with this saddest of pictures was one effulgent gem in the tiara of misery resting upon the marble brow of our HAWLEY while in the act of defending the indefensible—the gem of remembrance of the beauty of him at all times when he is not engaged in effort to perform impossible miracles. [Laughter and applause.]

And now, Mr. Speaker, let me direct the attention of my fellows in this House, and particularly my colleagues who represent those districts most cruelly touched by the great drought of the summer, to one zone in which the horn of plenty was turned upside down, agriculturally speaking, during the past year—a zone in which none save a few Indians, neglected by their unfatherly governmental guardian, know anything about the pangs of hunger. Of course, I make reference to Nebraska, where during the year our farmers produced wonderful crops of corn, wheat, alfalfa, potatoes, and, indeed, every manner of food and feed stuffs incident to our temperate zone.

The hand of God has rested blessingly upon Nebraska during the year, although God's mercy and abundant crop yields go hand in hand with the damnable attitude of the parent Government in permitting its favored tariff barons to levy unjust tribute upon and from our people. The heart of Nebraska is a sympathetic heart. It beats sympathetically with human beings as well as jackasses in every zone where the cruel hand of the drought fiend worked his wicked will this year and bids all sufferers in the drought zones to turn their eyes with hope and confidence to the grandeur and the glories of Nebraska, with a promise and a pledge that our farmers will sell at less than the actual cost of production all the seed which may be needed to enable their brother farmers in the suffering sections to plan and plant for another crop in a better year. [Applause.]

WILLIAM TYLER PAGE

Mr. TILSON. Mr. Speaker, I wish to take this opportunity to call attention of the Members of this House to the fact that on this day our very efficient Clerk, William Tyler Page, completes his 49 years of service as an employee and official of this House. [Applause.]

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15256) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. TREADWAY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. The Clerk will proceed with the reading of the bill.

The Clerk read as follows:

Agricultural chemical investigations: For conducting the investigations contemplated by the act of May 15, 1862 (U. S. C., title 5, secs. 511, 512), relating to the application of chemistry to agriculture; for the biological investigation of food and drug products and substances used in the manufacture thereof, including investigations of the physiological effects of such products on the human organism; to cooperate with associations and scientific societies in the development of methods of analysis, \$465,150.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word. I would like to ask the chairman or some member of the committee about this item appropriating \$465,150. I find upon looking at the report that a part of this appropriation is to be used in connection with research investigation of the products of the farm at Ames, Iowa, the State Agricultural College. I assume from the report that \$75,000 of that is going to the institution.

Mr. DICKINSON. The gentleman is mistaken, it is not going to the institution, it is to carry out research work in cooperation with that institution and at that institution.

Mr. JONES of Texas. That is in accordance with the suggestion made in the measure which the gentleman had referred to the Agricultural Committee. I have no objection to the work, and I want to say that they do very fine work in investigating as to the utilization of the waste products of the farm, products which heretofore have not been utilized.

But there is also pending before that committee a companion bill which I presented and which provides for work

to be done at some southern station in connection with the waste products of that section of the country. Is any provision made in the bill for that kind of work?

Mr. DICKINSON. There are three increases this year for that class of work. One in Florida, one for the citrus interests in the Rio Grande Valley, and another for the pecan industry in the State of Mississippi.

Mr. JONES of Texas. Those are specific appropriations for one commodity. This carries a program for the major crops—cotton and wheat.

Mr. DICKINSON. There is no difference in the type of work they do.

Mr. JONES of Texas. Those are appropriations for individual crops in local sections. I understood from the committee that this institution was planning to use the funds for the benefit of a large section of the country; that is, on the major crops. I think it wise to have that work done. The report indicates efforts to utilize cornstalks, cereal straws, corncobs, oat hulls, cotton stalks, cottonseed hulls, cotton mottes, flax straw, peanut hulls, sugarcane, and other agricultural waste products. In other words, the institution is to conduct an investigation that would be for the utilization of farm waste that might have accumulated and heretofore was not utilized. Now, covering cottonseed hulls and other products grown largely in another section, it occurred to me that provision should be made, not particularly in the West where no cotton is grown, but that there should be a similar provision for investigation at some point in the South.

Mr. DICKINSON. Let me suggest to the gentleman that research on fiber will apply to every type of fiber. Cotton stalk is fiber, cornstalk is fiber. Naturally the research work is a chemical industry and will be carried on in one institution, and that institution we hope to have located at Ames, Iowa, the largest research plant in Iowa or in any State of the Union doing that type of work.

That being the case, there is no reason why that plant can not do the work for fiber waste of all kinds. If it comes to the point when it is found that the work done there can not meet the requirements of the South with reference to that, I shall be one of those who will gladly aid in an extension of the work, because I am a believer in it.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. JONES of Texas. Mr. Chairman, I would not for a moment undertake to discount the work done at Ames, Iowa. In fact, I was much impressed by the testimony in reference to the work they have done there. They have done some fine work, and have submitted to the House Committee on Agriculture some wonderful examples of work done in the way of turning out products from these waste materials. There were a number of articles that will be useful and others that are in the process of experimentation. I agree with the gentleman that fibrous material is in large measure the same, and yet every plant is somewhat different. Their very demonstration shows that they have done a great deal more work in connection with the waste products of materials grown in their own great section of the country than in another section. They had on display a book printed on paper made from cornstalks. They exhibited a great many other articles made from cornstalks, wheat straw, and oat straw; but those are the principal things that they were investigating. That is quite natural. The men up there are familiar with those things; they are very handy to them, while the cotton stalks and the products of the South are not near by and available. Naturally their work will center largely on the waste from the products from the farms in their own section, and I offer that not in a spirit of criticism. I would like to have the committee make provision for a laboratory plant in another great section of the country, and I want to see work done in the way of finding new uses

for products not heretofore used. A similar plant should be in the heart of another of America's great commodities. The plant at Ames, Iowa, is in the heart of the corn and wheat section. We have another great section of the country that produces a commodity that accounts for more than one-half of our balance of trade, and that, perhaps, is the most valuable product of all the products made in America. It seems to me it would be wise to have a similar plant established at some point in the center of this great section of the country, where experiments could be carried on to find uses for a number of products that are grown there and that now go to waste, and which would enable that section of the country to have the advantage of these investigations. It is a matter of common knowledge, and has been for years, that the by-products of the packing institutions and other industries are what they make their money out of. Therefore, this work which would utilize these products that have heretofore been thrown away is tremendously important, and I think the work should be carried on at some point in the southern as well as other portions of the country.

I withdraw the pro forma amendment.

Mr. DICKINSON. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment by Mr. DICKINSON: Page 51, line 24, after the figures "\$405,150" and before the period insert a colon and the words "Provided, That the Bureau of Chemistry and Soils co-operate with the Bureau of Standards without duplication."

Mr. BLANTON. Mr. Chairman, I reserve the point of order on the amendment.

Mr. DICKINSON. Will the gentleman state his point of order?

Mr. BLANTON. I reserve the point of order in order to ask the gentleman a question. Would his amendment in any way interfere with the activities now being carried on by the Bureau of Standards?

Mr. DICKINSON. That is just what I am going to explain. I propose to make a statement on the whole thing.

Mr. BLANTON. They have been carrying on some activities and experiments at the Bureau of Standards exclusive of those carried on by the Department of Agriculture. If this amendment is going to require them to collaborate with the Department of Agriculture and to carry on only such activities as may be agreed upon between them, then their activities would be circumscribed and the country might suffer a loss. I am sure the gentleman is just as much impressed with the importance and value to the country of the activities carried on by the Bureau of Standards along this line as he is concerning those carried on by the Department of Agriculture, and what I have in mind is not to agree to any amendment here that would restrict or circumscribe or destroy the value of the present activities of the Bureau of Standards. This proposed amendment is a change in law and that is the reason I have reserved the point of order. If the gentleman can explain that that will not be the effect of it, I shall be glad to withdraw the point of order. I would like to have his idea on that point.

Mr. DICKINSON. I was just trying to tell the gentleman that I have here a statement from Doctor Burgess, of the Bureau of Standards, and Doctor Woods, from the Agriculture Department, but the gentleman would not let me tell him. He talked all around Robin Hood's barn. This amendment has been agreed upon between the two departments, and it is merely a continuation of the friendly relations heretofore existing between them.

Mr. BLANTON. The gentleman is sure it will not restrict the activities of the Bureau of Standards?

Mr. DICKINSON. I thought I tried to tell the gentleman that.

Mr. BLANTON. The gentleman could say so definitely without beating around Robin Hood's barn.

Mr. DICKINSON. The gentleman has asked the same question several times, but each time in a different way. I say that we are not going to have any trouble between the Bureau of Standards and the Department of Agriculture. We have an agreement with them.

Mr. BLANTON. Now, that is a definite answer, and I withdraw the reservation of the point of order.

Mr. DICKINSON. Their statement is that they know exactly what they are going to do.

Mr. BLANTON. I finally did get a definite answer.

Mr. DICKINSON. No; the gentleman did not. The gentleman asked me seven questions in the same language, trying to reach the same conclusion.

Mr. Chairman, I now want to make a statement with reference to this amendment.

In the appropriation bill of 1927 those interested in farm-waste research placed an appropriation of \$50,000. As a matter of fact, that has been carried on since that time down to date. The Bureau of Standards is doing a splendid work on certain phases of farm waste. The Department of Agriculture is doing an entirely separate and distinct type of work, and I wish to include as a part of my remarks a statement from the Bureau of Standards signed by Doctor Burgess with reference to the field of work in which they are occupied, and a statement from Doctor Woods, who is the head of research in the Department of Agriculture, with reference to the field of work that they expect to occupy. I think that this will clarify the situation in the minds of everyone that there is going to be absolutely no duplication in their work and they will carry on the work in exactly the same friendly way that they have been doing for all these past years.

The letters are as follows:

DEPARTMENT OF COMMERCE,
BUREAU OF STANDARDS,
Washington December 17, 1930.

Subject: Industrial utilization of agricultural products.
Hon. WILL R. WOOD,

House of Representatives, Washington, D. C.

MY DEAR CONGRESSMAN: In response to the questions raised at the informal hearing on the 17th about the industrial utilization of agricultural wastes:

To make the cooperation between the two bureaus mandatory the wording as given in the attached is suggested.

The development of a manufacturing process is fundamentally the application of science to industry. This is the kind of work which this bureau is staffed and equipped to do, and is continuously doing. The nature of the raw material affects the details of a specific process, but does not change the basic principle. It is, therefore, believed that this bureau is peculiarly able to help the American farmer find markets for the waste parts of his crops by using them as raw materials for manufacturing processes.

Since this fund was established on July 1, 1927, we have completed three projects: The manufacture of insulating board from cornstalks, of maizolite from cornstalks, and of xylose from cottonseed hulls. We are now working on the manufacture of paper from wheat straw, of pressed board from cornstalks, and of paper pulp from southern pine. We are studying the type of starch needed by the textile industry, and are developing the necessary analytical methods to a higher degree of precision. We are planning to continue our work along similar lines, bearing in mind always that our special field is in the application of science to industry.

Respectfully,

GEORGE K. BURGESS, Director.

FARM-WASTE STATEMENT

It is estimated that in gross tonnage farm by-products constitute more than 60 per cent of the material removed from American farms. A careful accounting in the United States shows that there is an annual production about as follows:

	Tons
Cornstalks	100,000,000
General straws	115,000,000
Corncobs	20,000,000
Oat hulls	3,000,000
Cotton stalks	18,000,000
Cottonseed hulls	1,800,000
Flax straw	2,200,000
Peanut hulls	70,000
Sugarcane bagasse	500,000
Total	260,570,000

These materials have in them part of the farmer's assets—that is, the fertility of his land, his favorable climate, and his labor. The return they bring is now insignificant. As so much of the costs of agriculture is represented in farm by-products, it is obvious that their profitable utilization will result in a greater return, and economically is of greater importance than increased production either per acre or per man unit, since these products are on hand and ready for use, whereas increased crop production necessitates further expenditure of soil fertility and the farmer's time, energy, and money.

CROP BY-PRODUCTS

The chief constituents of cellular materials comprising crop by-products are approximately—

	Per cent
Cellulose	40
Lignin	30
Hemicelluloses (carbohydrates)	30
Cornstalks, for example, consist of approximately—	
Cellulose	36
Lignin	30
Hemicelluloses (carbohydrates)	27

CELLULOSE

Cellulose, the fibrous part of plants, representing approximately 40 per cent of the dry matter of vegetation, is produced on the farms of the United States to the extent of about 100,000,000 tons. Its utilization in the form of paper, building board, insulating material is being investigated by the Bureau of Standards.

The Bureau of Chemistry and Soils is investigating specially—

LIGNIN

It is estimated that lignin is produced on the farms of the United States to the extent of about 75,000,000 tons per year. This product has been little studied, but is a possible source of organic chemicals, dyestuffs, tanning materials, and plastics.

HEMICELLULOSES (CARBOHYDRATES)

Hemicelluloses are the third major constituent of farm by-products and produced annually on American farms to the extent of about 75,000,000 tons. Their utilization affords an interesting field of research. The pentosans, one of the carbohydrate materials, has been utilized by methods developed in the Department of Agriculture for the production of furfural, now produced in large commercial quantities as a solvent.

NEEDED RESEARCH

The following are some of the most inviting fields of research: Destructive distillation: The destructive distillation of by-products as a whole, or the destructive distillation of the several components, the lignin, the cellulose, and the carbohydrates, offers an inviting field for investigation, with the possibility of many industrial applications of the material obtained, such as organic chemicals, oils, tars, and decolorizing carbons. A recent development in a new type of retort makes it possible to carry on catalytic activities within the retort whereby it may be possible to change the character of the end product so as to make it more marketable.

Plastics: Some of the products obtained by destructive distillation are obtained from the lignin portion and give promise of utilization in the production of artificial resins and plastics, products which are coming into great industrial demand for insulating and for other purposes, even to the extent of utilization in the construction of furniture and other household ware.

Fermentation products: The fermentation products of cellulose and carbohydrates give promise of valuable utilization of a large part of farm waste. Such products may have an important place in the industrial field and include the various kinds of alcohol, acetates, and other organic chemicals.

Absorbents: It would seem possible to develop satisfactory absorbents out of products like cornstalks, bagasse, and other such material. In 1929 about eighteen and one-half million pounds of absorbent wood flour was imported into this country.

Fuel: The utilization of these farm by-products as a compressed fuel is another problem that needs thorough examination at this time, especially for use in those districts on the edge of the corn and wheat belts, where the ordinary fuels, wood and coal, are very expensive. The use of these by-products for fuel, if it is found feasible, will utilize a very considerable part of these products.

Rayon and lacquers: Rayon, frequently called artificial silk, and cellulose lacquers are among the modern products made from cellulose to-day, derived practically wholly from low-grade cottons and wood pulp. The possibility of making available the cellulose of farm by-products for these purposes is also worthy of careful investigation.

A. F. Woods.

Mr. DICKINSON. With reference to the statement of the gentleman from Texas [Mr. JONES], permit me to say that we must start somewhere in this research work if the Government is going to undertake it. The suggestion contained in the bill before the Committee on Agriculture is for legislative authorization for the Government to acquire a laboratory to go into this work in a more intensive way. The fund in this bill is only for the purpose of paying the salary of the men and maintaining cooperation with the agricultural college at Ames in working out this farm-waste problem. It is purely research. I want authorization by the gentleman's committee, the Committee on Agriculture, for the establishment of a farm-waste plant at Ames, Iowa, similar to the one located at Madison, Wis., where the Government is now building a \$900,000 building for forest-products research.

This committee is appropriating \$637,000 a year in support of that research work. In my judgment it is tremendously important. We want to get started.

Mr. JONES of Texas. That is the reason why I made no effort to interfere in any way.

Mr. DICKINSON. The reason I think we should start in our locality is that, according to the testimony conducted before our committee, 237,000 tons of the 260,000 tons of farm waste occurs in our locality. Therefore if we are going to start on this thing we must start somewhere, and we hope that the House will agree that this is the place to start.

I would like to see that farm waste bill come out of the Committee on Agriculture. It is one of the most important bills now pending before that committee.

Mr. JONES of Texas. They have not reported it because they are investigating the one phase of it which I mentioned, that of establishing one in one great section of the country and another in another.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa.

The amendment was agreed to.

Mr. BLANTON. Mr. Chairman, I offer the following amendment: Page 51, lines 21 and 22, strike out the words "the physiological effects of such products on the human organisms."

The CHAIRMAN. The gentleman from Texas [Mr. BLANTON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 51, line 21, after the word of, strike out the words "the physiological effects of such products on the human organisms."

Mr. BLANTON. Mr. Chairman, I ask unanimous consent to incorporate in my remarks a clipping from the Star of yesterday with a quotation from Mr. Thomas A. Edison, the eminent scientist.

The CHAIRMAN. The gentleman from Texas asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. BLANTON. At this juncture in my remarks I want this clipping to appear.

The printed matter is as follows:

[The Evening Star, Washington, D. C., Thursday, December 18, 1930]

EDISON SAYS AMENDMENT HAS BEEN HELP TO NATION—INDUSTRIAL AND ECONOMIC LIFE BENEFITED TO GREATER EXTENT THAN REALIZED, WIZARD DECLARES IN QUESTIONNAIRE

NEWARK, N. J., December 18.—Thomas A. Edison expressed the opinion yesterday that prohibition has helped the industrial and economic life of America and that its enforcement is improving daily.

His belief was set forth in answer to a questionnaire submitted to him by Rev. James K. Shields, superintendent of the New Jersey Antisaloon League.

The six questions and answers:

Q. Do you approve of the eighteenth amendment to the Constitution of the United States? If so, why? A. Yes. It is a necessary aid to permit practical enforcement of prohibition all over the country.

Q. Has it helped the industrial and economic life of America at home and strengthened the industrial standing of our Nation abroad? A. Yes; and to a greater extent than realized.

Q. In your judgment are children better fed and clothed and educated since the coming of national prohibition than they were before? A. In my judgment I would say decidedly, yes. Let me cite my experience as a manufacturer, similar to that of other manufacturers. On pay days before prohibition hundreds of pale-faced women, shabbily dressed, some with faded shawls around their heads, appeared at our factory at West Orange. They were waiting to get some of their husband's money before he got to a saloon. Within a year after the amendment not a single woman appeared. Surely we Americans do not want a return of this state of affairs. Undoubtedly the condition of the mother indicates the condition of the children, although they are perhaps a little better off than she, because she will do anything, even to giving up her life, to protect them.

Q. What attitude should the womanhood of America hold toward prohibition, and why? A. Woman is the custodian of the home and the children. She certainly, if a normal woman, does not desire the introduction of narcotics into her home, which in many cases changes a humane man into a brute.

Q. Are the boys and girls of America more likely to develop a higher degree of physical and mental fitness and become in every way better and more useful citizens under national prohibition of the liquor traffic, or under the old licensed system or any form of State or Government control? A. Yes; they certainly can not develop on alcohol and other narcotics.

Q. Should the eighteenth amendment be retained as a blessing to our American homes to-day and to those of future generations? A. Yes; enforcement is getting more practical day by day. We now attack the large manufacturer right in our midst instead of men with flasks and home brews.

Mr. BLANTON. It will not be denied by any American that Thomas A. Edison is one of the greatest scientists that this country has ever produced and one of the most successful business men.

Especially at this time I would like every Member of Congress, if they have not read this article in the press, to read carefully what Mr. Edison says about the beneficial effect of the eighteenth amendment upon the business industry of the country. He shows its importance and its value to business. I think it is worth while that these frank views of Mr. Thomas A. Edison should go into the RECORD at this time when the wet press of the country is backing up this effort, continued studied effort, to destroy the eighteenth amendment.

It is very evident to the mind of every thinking person in the United States that this stale, unjudicial opinion of this hitherto unknown Judge Clark is nothing more or less than a studied, deliberate effort on the part of this judge to get a new expression from the Supreme Court of the United States, upon which bench at this time only four members of those who have passed on this question heretofore now remain. Realizing that there are five new members upon the bench, it is a deliberate, studied attempt to get a new expression from that court.

I am not disturbed about this ridiculous Clark decision.

I withdraw the pro forma amendment.

Mr. COLE. Mr. Chairman, I move to strike out the last word.

I rise to speak, not on the Clark decision which has been discussed here, but on the subject of agricultural wastes.

That is a subject with which I am on familiar terms, for I regard myself as the author of the appropriation, first made in 1927, to enable the Bureau of Standards to cooperate with the college at Ames, Iowa, for the development of processes for the utilization of what are called the wastes of the farms, consisting largely of the fibers in straw, stalks, and so on. That was for the modest sum of \$50,000, which was suggested by Dr. O. R. Sweeney, the head of the chemical engineering school at Ames. I may add that the man who is now President and who was then Secretary of Commerce, was the most important factor in that beginning.

The appropriations have been continued, and there is \$50,000 for such purposes in the present Interior Department bill. The results, I believe, have been worth many times the amounts of the appropriations. The financial conditions and the fall in prices of certain commodities have somewhat interfered with the work, and even the necessity for it. But it is none the less going forward, and that with brighter prospects ahead.

Two synthetic board plants, which came into existence as a result of these appropriations and the research work made possible, are now in operation; and that successfully. Thousands of tons of Iowa cornstalks have been assembled for them, which it is hoped is the beginning of larger activities. The beginnings of two other plants have been delayed for the reasons I have already stated—finances and commodity prices.

The largest, perhaps, of the problems to be worked out has to do with the assembling of the materials, such as cornstalks. Work has progressed on the development of machinery for this purpose, and I take note of the fact that this is involved in the appropriation for a correlated activity under the Bureau of Chemistry of the Department of Agriculture, which is now under discussion.

The chairman of the committee, Mr. DICKINSON, has already made it clear that there will be no duplication between the two bureaus, one under the Department of the Interior and the other under the Department of Agriculture. He has also informed us that he is inserting in the RECORD as part of his remarks statements from directors of these bureaus. Instead of duplication there will be cooperation, and the field is vast enough and the results an-

ticipated important enough to both agriculture and industry to call for such cooperation. We shall look for corresponding results.

The Bureau of Standards under its appropriations, beginning in 1927, has been working on three lines, especially the manufacture of insulating boards from cornstalks, the manufacture of maizolith from the same stalks, and the development of xylose from cottonseed hulls. The bureau has also under way process for the manufacture of paper from wheat straw and pressed boards from cornstalks. The processes of the bureau are all toward the application of science to industry.

May I add that I hope that in due time we will have more than these modest appropriations? We ought to have a thoroughly equipped plant on a scale commensurate with the importance of the utilization of these wastes. We have such a plant for utilization of forest wastes at Madison, Wis., for which, I understand, we are appropriating nearly a million dollars annually. This ought to be duplicated for the wastes of the farms. The chairman [Mr. DICKINSON] has introduced a bill for this purpose, which is now pending before the Committee on Agriculture. I hope that we may see this enacted in the near future, the sooner the better.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Color investigations: For investigation and experiment in the utilization, for coloring, medicinal, and technical purposes, of raw materials grown or produced in the United States, in cooperation with such persons, associations, or corporations as may be found necessary, including repairs, alterations, improvements, or additions to a building on the Arlington Experimental Farm, \$93,460.

Mr. KETCHAM. Mr. Chairman, I move to strike out the last word. Mr. Chairman and members of the committee, I make this pro forma motion for the purpose of directing a question to the distinguished gentleman from Texas [Mr. BLANTON], who is recognized as a very able and distinguished lawyer and who, as a judge upon the bench, has earned for himself a fine reputation not only in his own State but the country over. In view of that record and the statement he just made with reference to a recent decision, I would like to ask him, not being a lawyer myself, what his judgment of that decision is, as a matter of law.

Mr. BLANTON. Mr. Chairman, if the gentleman would ask the lawyers on the Judiciary Committee, both wets and drys, their opinion of it they would probably tell him immediately that the decision is bunk, pure and simple; and that is my opinion of it. If that decision should nullify the eighteenth amendment it would at the same time nullify practically every other amendment to the Constitution. Slavery would still be in force and effect in the United States. In my judgment, it is a most ridiculous attempt on the part of that judge to cast aside his judicial ermine, the bench, and his duties and embark into the political arena and seek to help wet organizations in political agitation. It is the most ridiculous action from a Federal bench I have ever witnessed in my life.

Mr. KETCHAM. The gentleman agrees, of course, that it is a scholarly dissertation and presentation of that viewpoint.

Mr. BLANTON. There are among the wets in the United States some who are the most scholarly men in the United States. They are wets from different standpoints and angles. Some of them are wet fundamentally, because they do not believe in any sumptuary laws and they do not believe in having any of their so-called personal rights and prerogatives taken away from them. Some of them are wet because they want a drink and some because it is money in their pockets.

Mr. KETCHAM. But so far as the legal aspects of the decision are concerned, the gentleman still emphasizes the point that the decision is absurd?

Mr. BLANTON. In my judgment, it is absolutely absurd. The gentleman can search the United States judicial reports and he will not find, in my judgment, another such instance in the United States where a Federal judge has gone from the bench and attempted to engage in a discussion of political questions.

Mr. COLE. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLE. Are not these gentlemen from Michigan and Texas trying to influence the Supreme Court?

Mr. BLANTON. No; we are not. We are merely exercising our rights as representatives of the people and in a forum where we have the right to express our opinions. In my judgment, this judge did not have a right to go outside of his judicial duties to render this nonjudicial, untimely decision.

Mr. KETCHAM. I have read that decision with a good deal of interest and I was struck with the lack of very many references to statutes but the considerable number of references to literature generally. What has the gentleman to say with reference to that?

Mr. BLANTON. Does the gentleman from Michigan believe that this judge has ever read and thoroughly digested all of the references he cites? If he has, he is the most scholarly man in the whole United States to-day and he is one of the best-read men. However, I do not believe that anyone so young would have had an opportunity to digest all of the authorities to which he has referred.

Mr. KETCHAM. The gentleman's viewpoint corresponds exactly with my own and I thank him very much for his opinion, which coincides with mine.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Soil survey: For the investigation of soils, in cooperation with other branches of the Department of Agriculture, other departments of the Government, State agricultural experiment stations, and other State institutions, and for indicating upon maps and plats, by coloring or otherwise, the results of such investigations, \$328,705.

Mr. BRIGGS. Mr. Chairman, I move to strike out the last word. I would like to ask the committee what provision is made for reprints of reports of soil surveys that were made quite a number of years ago and which the department now advises are largely out of print. Does this appropriation permit anything of that kind to be looked after?

Mr. BUCHANAN. I will state to my colleague that they got considerably behind by reason of the lack of funds, but we have been gradually increasing the appropriation in an effort to enable them to catch up. This bill carries an increased appropriation of \$8,000 or \$10,000, making over \$100,000 for that purpose.

Mr. BRIGGS. Can any of this appropriation be utilized for reprints of soil surveys that were carried on 15 or 25 years ago?

Mr. BUCHANAN. I think not.

Mr. BRIGGS. There would have to be an additional appropriation, and probably the surveys would need to be brought down to date.

Mr. BUCHANAN. All of this appropriation is taken up in the printing of those recently made. There is no money carried for the reprinting of surveys which have now gotten out of print.

Mr. BRIGGS. And it would probably be necessary to make a resurvey in order to bring the surveys down to date?

Mr. BUCHANAN. Probably, because of soil changes.

Mr. BANKHEAD. Mr. Chairman, I move to strike out the last two words, and I ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to speak out of order for five minutes. Is there objection?

There was no objection.

Mr. BANKHEAD. Mr. Chairman and gentlemen of the committee, one of the very unfortunate happenings that has been caused by our industrial and agricultural depression has been the fact that a great number of borrowers from the Federal land banks, on account of the low prices received for their products and other unfavorable conditions, are absolutely unable to meet the current installment payments of principal and interest upon those loans. I do not know what the situation is in some of the other States of the Union, but I know that in my immediate section I have had numerous communications with reference to the abso-

lute inability of a great number of our landowners in that section of the country either to secure the money from the sale of their crops or to borrow a sufficient amount of money from the local banks to meet these payments.

Unless Congress in its wisdom shall undertake to provide some reasonable system of moratorium for the benefit of these farmers the result will be that thousands and tens of thousands of them will probably have to sacrifice their life earnings and accumulations in the shape of farms under mortgage foreclosure proceedings.

I am taking the liberty of calling your attention to the fact that Senator HARRISON, of Mississippi, has introduced a bill in the Senate, and by his permission I have introduced a similar bill in the House of Representatives, which bills are now pending in both Houses before the Committees on Banking and Currency, seeking to provide temporary relief for men who are in these unfortunate circumstances by reason of having borrowed money from the Federal land banks.

At this time I shall not undertake to go into the provisions of this bill, although they are very simple. I am sure it is a matter that has engaged the attention of a great number of Representatives, and I especially desire to announce that the Committee on Banking and Currency of the Senate at 10 o'clock to-morrow morning will have a hearing upon Senator HARRISON's bill. If any of you are interested in this problem I would be very pleased to have you join me in appearing before that committee to hear the facts and a discussion of the necessity for the legislation, and if you can consistently do so, lend your cooperation toward securing the adoption of this reasonable measure.

Mr. LANKFORD of Georgia. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. LANKFORD of Georgia. Would that take care of cases where foreclosures have already taken place?

Mr. BANKHEAD. It provides there shall be a period of 18 months in which a man may redeem his property where it has not already been foreclosed. It does not provide, in its present form, for an absolute right of redemption where title to the land has been conveyed to a purchaser under foreclosure proceedings.

Mr. LANKFORD of Georgia. That could probably not be done except upon repurchase by the Government and a resale.

Mr. BANKHEAD. No.

Mr. KETCHAM rose.

Mr. BANKHEAD. I yield to the gentleman.

Mr. KETCHAM. The gentleman has already anticipated the question I had in mind to give us the terms of the bill in just a sentence.

Mr. BANKHEAD. Mr. Chairman, this is a very short bill and it is a very important subject. The bill only covers two pages and although I do not usually make a request of this sort, in view of the general interest in the proposition which, I am sure, extends to all Members of the House, I ask unanimous consent to incorporate as a part of my remarks the bill (H. R. 14821).

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to extend his remarks in the RECORD as indicated. Is there objection?

There was no objection.

The matter referred to follows:

H. R. 14821

A bill to provide for extending during the present emergency the time of payment of loans made by Federal land banks, and for other purposes

Be it enacted, etc., That during the present emergency but for a period of not to exceed 18 months from the date of approval of this act, any Federal land bank is authorized in its discretion, subject to approval of the Federal Farm Loan Board, (1) to withhold foreclosure of any mortgage securing a loan made by such bank if the borrower is in default under the terms of the mortgage, and (2) to extend the time for the payment of any installment due or to become due under the terms of any such mortgage, for a period of not to exceed two years.

Sec. 2. The Secretary of the Treasury is authorized and directed, upon the request of any Federal land bank, subject to the approval of the Federal Farm Loan Board, to advance to any such bank, out of any money in the Treasury not otherwise appropriated, a sum sufficient to cover the amount of interest pay-

able by such bank during a period of not to exceed 18 months from the date of approval of this act on any Federal farm-loan bonds issued by it. The sums so advanced shall be used exclusively for the purpose of making such interest payments and the Federal land bank receiving any such advance shall repay the same to the United States without interest in such manner and under such terms and conditions as the Secretary of the Treasury and the Federal Farm Loan Board, acting jointly, shall prescribe.

Sec. 3. Any Federal land bank which has acquired, during a period of 12 months preceding the date of approval of this act, the land of any borrower from such bank upon foreclosure of a mortgage securing a loan made by the bank to such borrower is authorized, in its discretion, subject to the approval of the Federal Farm Loan Board, if the bank still holds title to such land, to permit such borrower to redeem his interest in the land so acquired and held by the bank. Such redemption shall be permitted upon the payment, within a period of not to exceed 18 months from the date of approval of this act, of all installments due under the terms of such mortgage at the time of foreclosure thereof, together with all installments which would have become due under the terms of such mortgage to the time of such redemption, and all expenses incurred by the bank in connection with the foreclosure proceedings. In the event of any such redemption the mortgage shall be revived and continued as security for all subsequent installments payable under the terms of the mortgage.

Mr. JONES of Texas. Will the gentleman yield?

Mr. BANKHEAD. I yield.

Mr. JONES of Texas. I wish to say that I have not read the particular bill to which the gentleman refers, although I have heard some discussion of the principle. I think it is a matter that should have investigation and early consideration by the Committee on Banking and Currency.

Mr. BANKHEAD. Unless it has very early and speedy action, of course, it will be of no avail; and I will state to the gentleman from Texas that the chairman of the House committee has promised to give us a hearing upon the bill immediately after the holiday recess.

Mr. JONES of Texas. I am very pleased to know that.

Mr. COCHRAN of Missouri. Mr. Chairman, I rise in opposition to the pro forma amendment and ask unanimous consent to speak out of order for five minutes.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent to proceed out of order for five minutes. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Chairman and members of the committee, we had a very interesting discussion a moment ago between the gentleman from Texas [Mr. BLANTON] and the gentleman from Michigan [Mr. KETCHAM], two staunch prohibitionists, concerning the now famous decision of Judge Clark.

I want to read, for the information of the committee, and especially for the benefit of the gentleman from Texas and the gentleman from Michigan, from the hearings held by the lobby investigation committee published by the Senate in 1930. I read a part of the report of the legal department of the Anti-Saloon League of America for the quarter ending June 4, 1925, written by the late Wayne B. Wheeler. This report was furnished to a Senate committee by Mr. Wheeler. Speaking of New Jersey, he says:

A new United States district judge has just been appointed. Senator Edge submitted a list of seven names and stated that the appointment should be made from this list. There happened to be one outstanding, good man on the list, and when the Senator found that we were willing to indorse him, he, the Senator, withdrew his indorsement and tried to prevent the appointment. The President made the appointment but, to our chagrin, the candidate refused to qualify. Our friends were back of Hon. William Clark, an outstanding prohibition-enforcement candidate. The President finally turned down Senator Edge's choice and appointed Clark. It will mean better enforcement there. The Washington Post, in commenting on the appointment of Judge Clark in its first column, said: "Senator Edge will be much interested to learn that Judge Clark, of New Jersey, wins a place on the Federal bench by and with the advice and consent of Wayne B. Wheeler."

Mr. BLANTON. Will the gentleman yield?

Mr. COCHRAN of Missouri. With pleasure.

Mr. BLANTON. Was Wayne B. Wheeler not up against the proposition that it was impossible to get a real prohibition enforcer out of New Jersey?

Mr. COCHRAN of Missouri. I do not know what he was up against. His recommendation speaks for itself and his report speaks for itself, and the report shows that the judge

who rendered the decision was appointed as a result of the recommendation of the Anti-Saloon League. The gentlewoman from New Jersey [Mrs. NORTON], who is present, nods her head in assent.

Mr. BLANTON. Even Wayne B. Wheeler could be mistaken in his choice. Some officials, too, change their positions.

Mr. LANKFORD of Georgia. Mr. Chairman, I move to strike out the last three words.

The CHAIRMAN. The gentleman from Georgia is recognized.

Mr. LANKFORD of Georgia. Mr. Chairman, ladies and gentlemen of the committee, I am very much interested in an item in this bill, which was read by the Clerk a minute or two ago, and which is as follows:

Naval stores investigation: For the investigation and demonstration of improved methods or processes of preparing naval stores, the weighing, handling, transportation, and the uses of same, in cooperation with individuals and companies, including the employment of necessary persons and means in the city of Washington and elsewhere, \$32,530.

First, let me explain that the term "naval stores" is not generally understood and may be misleading to many Members of the House. This term is applied to turpentine products which are obtained from the southern pine tree. In early days these products were used by the Navy in calking and waterproofing its sailing vessels. Stores of these products were accumulated for these purposes, hence the name "naval stores."

It will be observed that this item provides an appropriation for experimentation in the chemical processes incident to the distillation of the product after it is extracted from the pine tree and the general handling of the product as well as the search for new uses of the various manufactured products. The growth of the pine tree or reforestation is under the Forestry Division and not under the Chemical Division of the Department of Agriculture.

At the committee hearings on this item attention was called to two developments recently made as the result of naval stores investigations by the Department of Agriculture. Doctor Knight, Chief of the Bureau of Chemistry and Soils, exhibited some specimens of rosins and explained that they were produced by a specially designed steam still and a resetting of the fire, together with the use of filtered gum under a process originated by the department. He also said these developments meant a saving of additional spirits of turpentine. This demonstration developed that better rosin and more spirits could be produced with the same gum by the new methods.

Coming more directly to the discussion of the need and value of a field naval stores laboratory, let me call special attention to the excellent statement before the committee by Dr. W. W. Skinner, associate chief chemical technological research, in which statement the doctor explained many of the new important purposes for which it is now being learned turpentine can be advantageously and very profitably used.

He explained that every year 50,000 barrels of turpentine are shipped from the United States to Europe and there manufactured into many commercial articles which are needed in this country and many of which are shipped back to this Nation. Some of these are produced by secret processes now unknown to us but which can become known by the very kind of research which would be conducted in this proposed naval-stores laboratory.

One of the secret methods for the processing of turpentine is that by which synthetic camphor is produced by a process originated in England.

Doctor Skinner also called attention to another extremely valuable use to which turpentine is now being put, to wit, the manufacture of transparent celluloid films which are rapidly coming into use as a part and parcel of shatter-proof glass.

Let me read from the hearings what the doctor said on this subject:

NEED OF DEVELOPING FUNDAMENTAL RESEARCH IN TURPENTINE

Doctor SKINNER. Let me show you what might come out of a thing like this. The development already here, the result of

research work, is quite amazing. We ship from this country every year 50,000 barrels of turpentine. That goes to Europe to be manufactured into synthetic camphor by a secret process developed in England. We in this country are interested in synthetic camphor, as it is the raw material of celluloid. What is celluloid? The development of cheap celluloid has made possible the development of shatter-proof glass which is now coming into tremendous industrial demand.

Mr. BUCHANAN. What do you call that?

Doctor SKINNER. Shatter-proof glass, now being used in automobiles.

Mr. BUCHANAN. For the windshields?

Doctor SKINNER. Yes.

Mr. DICKINSON. The kind you ought to have in your car when you hit other people.

Doctor SKINNER. It is coming to be used very extensively. I am told there is a tremendous energy in the glass industry to be equipped to produce this kind of glass. It is only a question of time when public buildings and public conveyances will be equipped with shatter-proof glass. What does that depend on? It goes back to the turpentine produced in naval-stores industry of our Southern States. There are certain fundamental facts about turpentine that we do not know, but which have a direct bearing on the commercial production of shatter-proof glass. It is quite a long bridge from the research work on the raw-product turpentine to the shatter-proof glass used in your automobile. But here is a certain development of research. Take these two turpentines. For instance, here is the kind of thing we must do before we can build a foundation on which the industry may develop. I am told that one kind of turpentine will produce satisfactorily the synthetic camphor, while the other kind does not. It also happens that one of these kinds of turpentine comes from slash pine, while the other kind comes from the long-leaf pine.

We do know that one kind of turpentine has certain different physical characters. One turns the ray of polarized light to the left and one to the right. I do not know why or how the trees produce it that way, but it is a physical fact that they do. Now, there are certain physical properties of certain types of turpentine that determine the use to which it is to be put. We need the development of fundamental research which will give us a knowledge of those properties. That is one of the functions of this proposed laboratory. That is one of the things we will do in this laboratory—to carry on studies involved in the composition of resin and turpentine, studies involving the production of resin and turpentine at a lower cost, all of which has a direct bearing on profitable utilization of the pine trees of the South; and it is the key—we believe (chemists believe) that it is the real key of reforestation in the South with yellow pine. If we get the basic facts as a result of research, I can see no reason why a synthetic-camphor industry should not develop in the South.

Again I read from the testimony of Doctor Skinner as follows:

USE OF TURPENTINE IN SHATTER-PROOF GLASS PRODUCTION

Mr. BUCHANAN. I want to get clearly again the connection between turpentine and the shatter-proof glass. It looks like a real step.

Doctor SKINNER. It is.

Mr. BUCHANAN. You say that turpentine is shipped abroad?

Doctor SKINNER. Fifty thousand barrels per year.

Mr. BUCHANAN. And it is manufactured there into camphor?

Doctor SKINNER. Synthetic camphor.

Mr. BUCHANAN. And shipped back?

Doctor SKINNER. Shipped back.

Mr. BUCHANAN. How is it used in glass?

Doctor SKINNER. It is then manufactured into a film celluloid, which is placed between two panes of glass as shown in this sample.

Mr. BUCHANAN. That celluloid film prevents the shattering of the glass.

Doctor SKINNER. That is, it prevents it going to pieces when struck.

Mr. BUCHANAN. Is the production of that plate glass expensive or can it be produced at a reasonable cost for utilization in various industries?

Doctor SKINNER. That is a question of course of mass production and my understanding is that the glass people are feverishly preparing themselves to produce just this kind of material. It looks like one of the big industrial developments of the next five or ten years.

Mr. SUMMERS. It is used mostly by automobile manufacturers now in their windshields?

Doctor SKINNER. Yes. But undoubtedly it will be used for many purposes, when the price permits.

Mr. Chairman, the reading of this testimony shows how vitally important is our naval-stores industry and the wonderful possibilities that may be expected from this industry in the near future. Naval-stores production first became an important industry in North Carolina and then came the development in South Carolina, Georgia, and Florida, gradually moving westward along the Gulf States to Texas. During the last few years the center of production has swung back eastward and to-day over half the production is in Georgia and most of the Georgia production is in my district.

I predict it will always remain in the south Georgia coastal plain, where the conditions are most ideal for the production of the pine tree and its products.

It will be necessary for a bill to be passed authorizing the Secretary of Agriculture to acquire a site and construct and equip a laboratory where the work can be carried on with this appropriation. I have introduced a bill for this purpose and hope the Secretary will find it to the interest of all concerned to locate this laboratory in the middle of the naval stores belt in south Georgia.

Mr. Chairman, speaking on a more or less collateral subject, let me say that all help rendered the naval-stores industry constitutes a part and parcel of real farm relief. I am vitally interested in all legislation for the naval-stores producers, because they are my people and because their problems are the problems of the farmer and of all our people.

There is one outstanding and controlling reason why the much-heralded Farm Board act is about to prove itself to have authorized only a useless, valueless, and probably dangerous, though very expensive, experiment, and that is because there is not provided an effective control of production. For my part, I would like to see the board function or operate as to a commodity where an effective control of production is set up and maintained. The experiment would be worth while and we could see just what could be accomplished by proper organization and with effective production control.

The turpentine producers, not being so great in number, can effectively organize and can control their production within reasonable limits. If the producer of cotton, tobacco, wheat, or other similar commodity, curtails his acreage in a certain product, he must plant in something else or let his land grow up in weeds and suffer the incident loss. Not so with the producers of turpentine; if he does not "box" or bring into production a given area, the timber continues to grow and becomes more valuable. It is true that after the "boxes" are cut or the cups hanged and the "chipping" begins it is necessary or best to continue working this timber, but even the "chipping" may be less frequent.

The necessary curtailment of production can be provided by bringing less acres into production each year and by not working the smaller timber until it has attained more ample growth. I feel that this kind of a program will not only conserve the timber but will also make the naval-stores business much more profitable.

If the Farm Board make a success with turpentine, as I believe it could, it would be established that a like success could be made by organization and proper control of production as to other commodities. I would like to see a complete experiment made as to some commodity. I feel that this can be probably done more effectively as to turpentine than as to any other commodity. I have believed all the while that turpentine and other naval-stores products should receive whatever benefit is offered by the Farm Board act.

In fact, in my bill to create the farmers' finance corporation, I sought to give relief to products of the farm, orchard, grove, dairy, and forest. This bill, introduced first in 1929, clearly includes not only turpentine, but tar and pitch of wood made by the destructive distillation process, and, also, probably crossties, lumber, and other timber products.

I do not wish to confuse the present question by now contending that the law should go as far as proposed in my bill, except I will say there are many valid reasons why all pine and cypress timber products should be included.

I am now urging the Farm Board to give relief to the gum or turpentine products of the green or growing pine tree. These turpentine and naval-stores products are extracted from the living or green tree as distinguished from tar, pitch of wood, and pine oil made by the destructive distillation process.

To my mind the production of turpentine and many other timber products is not only properly classed as one of the activities which should receive the aid of the Farm Board act, but is so closely interwoven and intermingled with farm

operations in the turpentine area as to become a part and parcel of the general farm operations of many who produce other farm commodities. Many people make a little money from their cotton, tobacco, corn, watermelons, turpentine, crossties, and other products produced on the land properly called their farm, with each product thus helping in the production of the other.

The timber products have been a wonderful help to the farmers and all others in my section during the last few years. Many find it more profitable to farm the pine trees on an acre of land than to destroy the timber and plant the land in other products. Many fields were corn, cotton, cane, and potatoes grew when I first came to Congress are now in pine timber, producing turpentine.

The Farm Board is urging the curtailment of the production of cotton, tobacco, and so forth. The way to secure this is to make the production of other commodities as profitable as possible. More and more the farmers are learning to cultivate, protect, and farm their pine timber. Many of them gather their own turpentine and carry it to a still and sell their spirits of turpentine, rosin, and so forth, just as any other farmer carries his cotton to a gin or grain to a mill or machine to be cleaned or threshed. Many lease their timber for a short period of years, but after all the lease soon expires and the timber, together with a new growth, is again the property of the farmer, to be farmed by him or leased again.

Let me repeat for the purpose of emphasis what I said in effect a little while ago. One solution of the present farm problem that has been suggested is that the farmers diversify and produce less of the basic commodities, the prices of which are now injured by alleged overproduction, and turn some of the land that is now being cultivated into the growth of valuable timber. This is being done in the turpentine section of the country by allowing land heretofore cultivated to grow up in pine timber, from which a good revenue can be secured after a few years. It is therefore very essential for all these reasons that the tar and pitch of wood industry not only be maintained but that the turpentine and rosin or naval-stores industry be fostered and protected.

Since we are studying the value of turpentine production, and so forth, from the farmers' standpoint, let me also tell you something of the production of tar and pitch of wood as distinguished from turpentine extracted from the growing pine trees.

Tar and pitch of wood is produced by what is known as the destructive distillation process. Under this process wood, stumps, and deadwood generally are purchased from the farmers or other owners, placed in kilns in a pulverized condition, and reduced to charcoal. The tar which is recovered is sold in commerce for use in rubber trades, the cordage trades, and otherwise.

It has been found that this pine tar can be used in the manufacture of tires and the reclaiming of rubber generally. For this reason this product has a commercial value not known a few years ago.

It will be seen that unless this industry is fostered much of the material from which this tar and pitch is produced will be destroyed by fire and be a total loss. When once destroyed, the pine stumps and dead "heart" pine wood can not be reproduced, as they constitute the otherwise commercially useless waste timber or wood. In other words, after a tract of land has been sawmilled that which has heretofore been left for destruction by forest fires is, under this distillation process, reclaimed and placed in the channels of commerce.

Stumps are shattered and blown out of the ground by dynamite, and in this way arable land is cleared of the stumps and can be more easily put into cultivation. The woodland is likewise cleared and a reforestation naturally takes place where the old stumps have been replaced by newly harrowed ground. For these reasons the farmer is benefited in several ways by the operation of these pine-wood distillation plants. This land is more easily put into cultivation, and the woodland is more easily reforested.

The farmer gets pay for his otherwise waste wood, and the community generally is benefited by the employment given to labor in the operation by which the wood is gathered and finally manufactured into a finished product.

Of course, even a greater and more permanent benefit comes to the farmers and the community generally by the farming of growing pine timber. Not only are the farmers and their sons often profitably employed, but oftentimes others receive employment "boxing" the trees or hanging cups to catch the gum, "chipping" or working the trees, and dipping or gathering the gum. Others are employed protecting the trees from forest fires, hauling the crude gum, distilling it, and in numerous other ways.

The production or extraction of turpentine and other naval-stores products from the living, growing green pine is even more closely interwoven into the very fabric of our farm life than the destructive distillation process of producing tar, pitch of wood, and so forth. There is practically no end to the production of turpentine from the growing tree. With proper protection against forest fires and an almost inexpensive cultivation or attention the turpentine-producing pine will yield turpentine in paying quantities when from 10 to 15 years old. The tree can be worked for three or four years and then after a few years' rest it can again be worked for an additional three or four years, and so on without limit. During all this time the timber is growing and becoming more valuable for crossties, lumber, paper pulp, and all other wood purposes.

The early settlers along the South Atlantic and Gulf coast found the wonderful forest of primeval pine interspersed with the oak, cypress, hickory, and poplar.

The pine tree at once became his most valuable timber for every purpose. With pine logs he builded his substantial home and farmhouse, with hewn-pine flooring and pine boards he ceiled and covered his buildings, and with pine rails and split lumber he fenced his fields and pastures and builded his gates and almost every other necessary wooden farm article.

Pine boards were used in curbing his well, pine sticks in building his stick-and-clay chimneys, hewn logs furnished his benches, and hewn-pine beams became his well fork and sweep.

The pine forest was the abode of an abundance of wild game, from which he in a large part furnished his table. The pine tree made the shade for the settlers' cattle, swine, and beasts of burden, furnished the straw for the beds of his livestock, and became an important part of a wonderful compost for the farmers' lands.

The pine tree was found to furnish a wonderful food in the form of pine mast or seed for swine; its turpentine or sap had wonderful medicinal and other valuable properties, and the wood made the brightest, most cheerful, warmest fires ever built to drive winter's cold away or to cook the food of man. From the time man first found the pine tree in America until now the pine tree and its products have been inseparably linked and interwoven into the very warp and woof of the farm life in the pine-belt section of our country.

The pine has produced the homes and the farms of a large part of the Southland, and even to-day it is not only as serviceable as ever but almost every month its value is becoming more and more fully recognized and established. Surely where the home and the farm are products of the pine, we can now well afford to determine by statute and as a matter of fact that the product of the pine is a farm product and entitled to receive recognition as such in an act to help the producers of agricultural products.

Where in all the world is there a tree so valuable during its growth, so inexpensive in its cultivation, and so essential for commercial uses and even national-defense purposes as the pine tree of the Southland? Surely all possible protection of the law should go to this wonderful tree which springs up on every abandoned tract of land, in every swamp or low land section, and on every area not used by the farmer for other purposes, and says in a hundred ways to the faithful farmer and his folks, "I do not require the labor you give to others, and yet you may drink of my very

lifeblood in order that you may live and in order that you may produce in greater abundance the food and clothing which the world needs, and in return all I ask is only the right to live."

Farming the pine tree is more and more becoming an integral part of the farm life of a large part of the South. The money made from the timber products enables the farmer to live and cultivate the rest of his farm. In thousands of cases the same boys who plow the farm and gather the harvest of corn, tobacco, and cotton are the ones who farm the pine tree and gather in the magic fluid so much needed in commerce. The pine tree and its products and the field or orchard and their products are more and more becoming inseparable.

The turpentine still is no more a manufacturing plant than is a cotton gin, a threshing machine, or a milk separator. Each separates the raw material into component parts preparatory for marketing. The milk and cream are further manufactured into cheese, casein, and so forth; the grain into flour; the cotton and cottonseed into cloth and various oils, soaps, and so forth; and spirits of turpentine and rosin into dozens of necessary and valuable commercial articles. Turpentine can be classed as a farm product as easily as can any other article produced on a farm, either as a fruit or sap of a tree grown in orchard, grove, or otherwise.

Any fair legislation that will help the naval-stores producers will help every farmer and every man, woman, and child in the turpentine-timber belt and in the whole Nation.

Mr. BLACK. Mr. Chairman, I move to strike out the last five words.

Mr. Chairman and gentlemen of the committee, we are engaged here on a section providing for various forms of investigation for soil stimulation, making provision for a greater variety of productions. But we are overlooking the other angle of the situation—what are you going to do with all the products when you get them?

Now, it is a strange thing to me that this committee in this emergency, and all agriculturists, are unwilling to try to restore to the market price two of the best customers the farmer ever had—the brewer and the distiller.

Here you have surplus grain, low prices, and bankrupt farmers, and you are making a strenuous effort to aggravate that situation and doing nothing at all on the receiving end of the market.

I have stated to the House before, and it is in the RECORD in detail, the enormous loss to the country by prohibition, that it has lost millions and millions of dollars in the prohibition of the brewery, the distillery, the buyers of hops, barley, corn, and rice.

If we restore brewing, we go a great distance in helping the farmer in a sensible, natural way, not adding to his irritation by these artificial means of relief. Not only would it restore men to work in the construction trades, but in the bottling industry, in brewing, and in transportation. It is estimated by those in close touch with the labor situation that the restoration of beer would mean 500,000 men, at least, returning to work.

What are you doing about it? Nothing. Congress is abdicating, the administration is absolutely abdicating all right and reason on this question to a commission which has vanished into thin air. I think the least we can do at present is to appropriate about 30 cents for the Weather Bureau to post the following notice on top of the Washington Monument:

"Lost, strayed, or stolen. One puzzled or muzzled commission. Answers to the name of 'Wickersham.' When last seen was talking to itself. No reward, no questions asked, none answered." [Laughter and applause.]

The pro forma amendment was withdrawn.

The Clerk read as follows:

Soil-fertility investigations: For soil-fertility investigations into organic causes of infertility and remedial measures, maintenance of productivity, properties and composition of soil humus, and the transformation and formation of soil humus by soil organisms, \$227,080.

Mr. MENGES. Mr. Chairman, this paragraph is for soil-fertility investigation into organic causes of infertility and

remedial measures, and so forth. The trouble at this time in agriculture seems to be overproduction. Then why improve the soil to increase production? So far as I am personally concerned I have never been afraid of overproduction and I am not now.

I have not traveled very far throughout the United States recently, only from here to Milwaukee, but I want to say to you that I have not seen as poor a prospect for the coming crop as there is at this time. Half of the wheat which has been sown is not up, has not started, and it will not start. If it does not come up before the growing season ends and winter comes it will not come up later. Therefore, I am not very much scared as to overproduction the coming season. So far as this matter of soil fertility is concerned, it is one of the most important subjects that this House can take into consideration. The soil is the basis on which everybody subsists, and its destruction has been one of the main occupations of the people of this country. There are two classes of farmers, constructive and destructive. The constructive farmer improves the land. He makes it better the longer he farms it. The destructive farmer makes the land poorer the longer he farms it. The majority of the farmers, I am sorry to think, and this applies to well nigh all sections of the country, belong to the destructive class.

What is the soil composed of? It is composed of two principal substances, organic matter and disintegrated rock. The rock comes out of the earth, and the organic matter comes out of the atmosphere. The two substances are brought together through the agency of the leaves of our plants. The leaf of the plant has the capacity to take out of the atmosphere carbonic acid gas, the carbon dioxide, change the carbon and the oxygen and the hydrogen into wood and construct our trees. The wood out of which this reading desk was made was one day a gaseous substance floating in the air.

Mr. O'CONNOR of Oklahoma. Is that the reason that so much gaseous substance still floats around here?

Mr. MENGES. I do not know but what that applies mostly to the Irish.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MENGES. Mr. Chairman, I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. MENGES. Mr. Chairman, the work the farmer is engaged in is in food production. He puts his seed into the soil, this soil which I have already defined as being composed of disintegrated rock and organic matter, the seed germinates and comes up, and the plant grows, and he is the agent who, through the agencies of the leaves of the plants and the soil which the Almighty has created, extracts the organic substances out of the atmosphere and the mineral substances out of the soil and converts them into food for man and animal. There is no greater business than that. In fact, I do not know of any business that I would sooner be engaged in than being the agent of the Almighty to feed mankind. [Applause.] That is the business of the farmer. We have been legislating for him, and I am somewhat responsible probably for some of that legislation. The thing I would like to bring to your attention is that we ought to put this farmer in a position in which he can handle his industry in such a way that he will be able to feed humanity, all of them—not only some of them, but all of them—to their entire satisfaction. I do not believe in bread lines when there is enough food in the country to feed the people. I think some means should be devised to supply that food to everyone. I refer to the marketing operations which exist in this Nation. In some way some means should be devised to get the food that God Almighty, through the agency of the farmer and the soil, produces to every living being.

A little while ago I said that there are two classes of farmers—constructive and destructive. The one man makes his land better the longer he farms it and the other one makes it poorer the longer he farms it. There are not so many people in the world who are absolutely constructive.

I may divide the plants which we produce on our farms into two classes for my purpose. There are two kinds of plants, soil exhausting and soil improving.

The cereal crops belong largely to the soil-exhausting crops. In some sections of this country farming is entirely devoted to the production of cereals, and the consequence is that the soil will by and by become exhausted to such an extent that bringing it back into its pristine fertility will be well-nigh impossible. The clovers are the soil-improving crop. They have the capacity, through the agency of an organism which these scientific fellows we are legislating for have isolated and with which they can inoculate the clover plants with the bacteria so that they will take out of the atmosphere nitrogen, the most essential element of fertility I am talking about; this agency of fertility, of which the soil is well-nigh exhausted in a large number of places, the clovers supply. The reason we use fertilizer is to supply this and other elements of fertility to get out of the soil a little more of these products.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. DICKINSON. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15256, the agricultural appropriation bill, had come to no resolution thereon.

DROUGHT AND STORM RELIEF

Mr. HAUGEN. Mr. Speaker, I call up the conference report upon Senate Joint Resolution 211, for the relief of farmers in the drought and/or storm stricken areas of the United States, and move its adoption.

The SPEAKER. The gentleman from Iowa calls up a conference report, which the Clerk will report.

The Clerk read the conference report.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the joint resolution (S. J. Res. 211) for the relief of farmers in the drought and/or storm stricken areas of the United States having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recedes from its disagreement to the amendment of the House and agrees to the same with the following amendments:

On page 1, line 9, of said amendment strike out the word "of" and insert the words "incident to."

On page 2, line 11, of said amendment strike out the numerals "\$30,000,000" and insert in lieu thereof \$45,000,000.

And the House agree to the same.

So it will read as follows:

That the Secretary of Agriculture is hereby authorized, for the crop of 1931, to make advances or loans to farmers in the drought and/or storm-stricken or hail-stricken areas of the United States, where he shall find that an emergency for such assistance exists, for the purchase of seed of suitable crops, fertilizer, feed for work stock and/or fuel and oil for tractors, used for crop production, and when necessary to procure such seed, fertilizer, feed, and fuel and oil, and for such other purposes incident to crop production as may be prescribed by the Secretary of Agriculture, and sell the same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed, fertilizer, feed for work stock, fuel, and oil thus obtained by him for crop production. A first lien on all crops growing or to be planted and grown during the year 1931 shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security for such loan, advance, or sale. All such loans, advances, and sales shall be made through such agencies as the Secretary of Agriculture may designate, and in such amounts as such agencies, with the approval of the Secretary of Agriculture, may determine. For carrying out the purposes of this resolution, including all expenses and charges incurred in so doing, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$45,000,000: *Provided*, That loans shall be available for summer-fallowing in 1931.

the discretion of the Secretary of Agriculture, be deemed sufficient security for such loan, advance, or sale. All such loans, advances, and sales shall be made through such agencies as the Secretary of Agriculture may designate, and in such amounts as such agencies, with the approval of the Secretary of Agriculture, may determine. For carrying out the purposes of this resolution, including all expenses and charges incurred in so doing, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$45,000,000: *Provided*, That loans shall be available for summer-fallowing in 1931.

Sec. 2. Any person who shall knowingly make any material false representation for the purpose of obtaining an advance, loan, or sale, or in assisting in obtaining such ad-

G. N. HAUGEN,

FRED S. PURNELL,

J. B. ASWELL,

Managers on the part of the House.

CHAS. L. McNARY,

GEO. W. NORRIS,

E. D. SMITH,

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 joint resolution (S. J. Res. 211) for the relief of farmers in the drought and/or storm stricken areas of the United States submit the following statement in explanation of the effect of the action agreed upon by the conferees and recommended in the accompanying conference report:

The House amendment struck out all of the Senate resolution after the enacting clause. The substitute agreed to by the committee of conference retains all of the provisions of the House amendment, with the following exceptions:

First. Page 1, line 9, strike out the word "of" and insert in lieu thereof "incident to."

Second. Page 2, line 11, strike out "\$30,000,000" and insert "\$45,000,000," so that the amendment as agreed upon by the committee of conference will read as follows:

That the Secretary of Agriculture is hereby authorized, for the crop of 1931, to make advances or loans to farmers in the drought and/or storm stricken or hail stricken areas of the United States, where he shall find that an emergency for such assistance exists, for the purchase of seed of suitable crops, fertilizer, feed for work stock, and/or fuel and oil for tractors, used for crop production, and when necessary to procure such seed, fertilizer, feed, and fuel and oil, and for such other purposes incident to crop production as may be prescribed by the Secretary of Agriculture, and sell the same to such farmers. Such advances, loans, or sales shall be made upon such terms and conditions and subject to such regulations as the Secretary of Agriculture shall prescribe, including an agreement by each farmer to use the seed, fertilizer, feed for work stock, fuel and oil thus obtained by him for crop production. A first lien on all crops growing or to be planted and grown during the year 1931 shall, in the discretion of the Secretary of Agriculture, be deemed sufficient security for such loan, advance, or sale. All such loans, advances, and sales shall be made through such agencies as the Secretary of Agriculture may designate, and in such amounts as such agencies, with the approval of the Secretary of Agriculture, may determine. For carrying out the purposes of this resolution, including all expenses and charges incurred in so doing, there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$45,000,000: *Provided*, That loans shall be available for summer-fallowing in 1931.

Sec. 2. Any person who shall knowingly make any material false representation for the purpose of obtaining an advance, loan, or sale, or in assisting in obtaining such ad-

vance, loan, or sale, under this resolution, shall, upon conviction thereof, be punished by a fine of not exceeding \$1,000 or by imprisonment not exceeding six months, or both.

G. N. HAUGEN,
FRED S. PURNELL,
J. B. ASWELL,

Managers on the part of the House.

Mr. HAUGEN. Mr. Speaker, I move the adoption of the conference report.

Mr. GARNER. Mr. Speaker, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. GARNER. Was it the purpose of the conference committee in consideration of the agreement just entered into to give the Secretary of Agriculture the use of \$45,000,000 for the purposes set out in the bill for the year 1931?

Mr. HAUGEN. For crop production in 1931; yes.

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. HAUGEN. Yes.

Mr. BANKHEAD. I rise to make a suggestion. If this bill is approved by the President, and I assume that it will be, every Member of Congress from the drought-stricken States will be besieged with innumerable requests as to the details of the administration of the act. I realize it may take the Secretary of Agriculture a good while, maybe several days or weeks, to formulate the details with reference to these loans; but if some method could be devised by the chairman of the committee or the majority leader by which, when these details are definitely arranged, Members of Congress could be made acquainted with them by a circular issued by the department, or some other means, it would save us a great deal of trouble and would expedite our correspondence in reference to these appropriations.

I have just made that suggestion, and I hope it will receive the attention of those in authority.

Mr. HAUGEN. I have no doubt it will receive their attention.

Mr. TILSON. I have no doubt that the suggestion of the gentleman from Alabama will be sufficient to cause something of the kind to be done.

The conference report was agreed to.

EMERGENCY CONSTRUCTION OF PUBLIC ROADS

Mr. WOOD. Mr. Speaker, I present a conference report on the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment, and ask unanimous consent for its immediate consideration.

The Clerk read the conference report.

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on amendments numbered 11, 12, and 14 of the Senate to the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment having met, after full and free conference have been unable to agree.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,

Managers on the part of the House.

W. L. JONES,
REED SMOOT,
FREDERICK HALE,
CARTER GLASS,
E. S. BROUSSARD,

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 amendments of the Senate Nos. 11, 12, and 14 to the bill (H. R. 14804) making supplemental appropriations to provide for emergency construction on certain public works during the remainder of the fiscal year ending June 30, 1931, with a view to increasing employment, submit the following statement to accompany the report of disagreement on such amendments:

The committee of conference have been unable to agree on the three amendments in question, the subject matter of which is as follows:

On Nos. 11 and 12: Providing that the unexpended balances of appropriations of \$1,660,000 and \$506,067.50, heretofore granted to the States of Alabama and Georgia, respectively, for relief for damage to and destruction of roads and bridges by floods, may be paid to the authorities of such States notwithstanding the requirement of existing law which provides that expenditures under such appropriations shall be matched by the respective States.

On No. 14: Imposing residential qualifications and pay conditions for the employment of laborers and mechanics by contractors upon the public works covered by the bill, excepting the Federal-aid highway appropriation.

WILL R. WOOD,
LOUIS C. CRAMTON,
EDWARD H. WASON,
JOSEPH W. BYRNS,
J. P. BUCHANAN,

Managers on the part of the House.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. Mr. Speaker, I move that the House further insist upon its disagreement to the three amendments mentioned in the report.

The SPEAKER. The gentleman from Indiana moves that the House further insist upon its disagreement to amendments Nos. 11, 12, and 14.

Mr. LINTHICUM. What are those three amendments?

Mr. WOOD. One of them is with reference to an amendment introduced relieving the State of Alabama of certain advances made for the building of roads; the other one is the same thing, except that it applies to the State of Georgia; and the third is what is known as the Couzens amendment, providing for certain limitations upon the expenditure of this money upon public works.

The question was taken; and on a division (demanded by Mr. PATTERSON) there were 135 ayes and 5 noes.

So the motion was agreed to.

AGRICULTURAL APPROPRIATION BILL

Mr. DICKINSON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15256) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 15256) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1932, and for other purposes, with Mr. TREADWAY in the chair.

The Clerk read the title of the bill.

The Clerk read as follows:

For necessary expenses connected with the investigations, experiments, and demonstrations in reference to the items herein-after enumerated for the promotion of economic entomology, for investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, arboriculture, for studying insects affecting man and animals, and for ascertaining the best means of destroying insects found to be injurious, independently or in cooperation with other branches of the Federal Government,

States, counties, and municipalities, organizations, and individuals concerned, or with foreign governments, including the employment of necessary persons and means in the city of Washington and elsewhere, rent outside of the District of Columbia, and not to exceed \$5,000 for the erection of necessary buildings: *Provided*, That the cost of any such building shall not exceed \$1,500, as follows:

Mr. DICKINSON. Mr. Chairman, I move to strike out the last word for the purpose of making a statement.

Last evening before adjournment I proposed an amendment to increase the appropriation under "Horticultural plants and diseases" by \$10,000, for the purpose of investigating what is known as the tomato blight in the State of Utah. I wish to make a brief statement showing the reason why the amendment was offered at this time, and suggest that it is on account of a blight that appears in the irrigation area in Utah, where there is large tomato production.

When the matter was presented to the committee and, without any fault on the part of the witness who presented it to the committee, the conclusion was reached by the committee, through a misunderstanding, that this was a blight that only appeared occasionally, and that it had only appeared once or twice in the last 15 or 20 years; but when we reconsidered the evidence as presented, and made a personal investigation into the matter, it was found that it was a persistent blight that appeared annually and has been continuous, and in this last year destroyed 60 per cent of the tomato crop of that locality.

That being the case, I was very glad to present the amendment on the floor of the House and was pleased that it was accepted, in order to give the Bureau of Plant Industry an opportunity to go there and make an investigation to see whether or not a remedy can be found for that situation.

Mr. McSWAIN. Mr. Chairman, I rise in opposition to the pro forma amendment and I ask permission to proceed for 10 minutes out of order.

The CHAIRMAN. Is there objection to the request of the gentleman from South Carolina [Mr. McSWAIN]?

There was no objection.

Mr. McSWAIN. Mr. Chairman, there are extremists on both sides of this question of alcohol. While my lifelong position as an abstainer and as an opponent to the legalized, as well as the illegal, sale of liquor is well known, yet I have tried to maintain a judicial temper of mind, and during all these years of animated discussion in Congress, I have never before felt it necessary to address the House on the subject.

I would not now break this silence except for the manifest absence of anything like legal reasoning and the manifest presence of extreme prejudice and unreasoning hostility are cloaked under the guise of judicial decision coming down from Judge Clark in the State of New Jersey. It seems that this young man has invented a theory of constitutional law all of his own. Perhaps the trouble is that he acquired judicial honors and power too early in life without having won his spurs at the bar. Probably there are thousands, even tens of thousands, of old and experienced and seasoned lawyers belonging to the Republican Party in the State of New Jersey that were capable of exercising judicial power without the dethronement of their reason, and who through a lifetime of diligent study and honorable practice of the law were morally entitled to appointment to the Federal bench to fill the vacancy which this young man Clark received. I do not know what influences brought about his appointment and do not care. I feel sure that 99 per cent of those lawyers in America who are opposed to the policy of Federal prohibition and who would even vote any day to repeal the eighteenth amendment, will readily confess that such a declaration as that coming from Judge Clark in the guise of judicial decision is not only a reflection upon the judicial office but is a positive harm to their cause of seeking the constitutional repeal of a constitutionally adopted amendment to the Constitution.

If I have studied anything in my life with diligence and patience, it is not only constitutional law, strictly so-called, but also our constitutional history. I have sought the

sources of our constitutional system, not only in American history but in English history, and, in fact, in universal history. If Judge Clark were not holding a very high judicial office and holding that office for the rest of his natural life, unless he were to resign or be dismissed upon conviction of impeachment, I would not take any notice whatever of his puerile decision. But since his office is one of great power and influence, I feel that it is my duty, out of veneration for the Constitution and for every part of it, because it is the solemn will of the American people, and out of a spirit of respect for the judiciary itself as a whole, which must hang its head in shame because of the absurdity of this one of its members, I feel justified in recording my view of Judge Clark's action.

I have not seen any certified copy of Judge Clark's decision, but I have seen newspaper reports of it which I assume to be fairly correct. It seems that he draws a distinction between constitutional amendments which add to Federal jurisdiction and other constitutional amendments which merely limit State power, or seek to control the manner of exercising existing Federal power. While these distinctions are logically thinkable, there are no such distinctions existing in the Constitution itself. The Constitution does not classify amendments but deals with them collectively and generally, and if any amendment can be adopted by a particular procedure, such as ratification by State legislatures, then all amendments on any subject can be ratified in the same way. When constitutional procedure is complied with, that amendment so adopted is just as much a part of the Constitution as the instrument itself, which came from the hands of the Constitutional Convention in Philadelphia in 1787 and was subsequently ratified by conventions in a sufficient number of States. For this youthful judge to say that a constitutional provision is not binding upon the people of New Jersey and of New York, or of any part of said States, because the people of those States themselves did not have the privilege of voting directly upon the issue of ratification, seems too absurd for debate.

New York and New Jersey are parts of the Federal Union under the Constitution and if three-fourths of the States ratify an amendment, either adding to Federal power, or taking from Federal power, that amendment is binding on New York and New Jersey and certainly is binding upon every occupant of every judicial office who took a specific oath to uphold and defend every part of the Constitution of the United States. Surely this young judge realizes that minorities must submit to constitutional majorities. If minorities are not bound by laws to which they do not consent, then individuals would have the same privilege of repudiating the authority of any particular law. When that condition comes we no longer have law but chaos. It seems to me that Judge Clark has opened wide a breach to chaos. Instead of being a defender of an orderly and authoritative system of constitutional law, he seems to have defiantly and deliberately opened a breach in the wall of constitutional safety. Such action on his part can not be attributed to ignorance. Surely the President would never have appointed and the Senate would never have confirmed a man to be a Federal judge so ignorant of constitutional law. Therefore, his action must have been based upon a conscious, intentional, and flagrant defiance of constitutional authority. That being so, he appears as the chief lawbreaker in the Nation. Murderers, assassins, bootleggers, and the whole tribe of lawbreakers do not set out with the same purpose that Judge Clark had in mind. Criminals usually have some special and personal reason for violating the law. Doubtless they regret that they must violate the law to accomplish their selfish ends. They adopt every device to hide the fact that they have violated the law. They are ashamed of being lawbreakers. But Judge Clark summons the world to listen and in stentorian tones declares that his oath was a meaningless form. In order that he may become the cheap hero for a passing hour of a law-defying element in this Nation, he knowingly tramples his oath under foot, and thus weakens and leads the way to the destruction of the very constitutional system that he has sworn to uphold;

the constitutional system that has been the bulwark of this Nation for nearly 150 years; the constitutional system under which every man's life and property are secure; the constitutional system under which all the precious relations of life are defended and guarded. Such is the picture of a reckless youth, too early in life elevated to a position of great judicial power over the heads of thousands of worthy, learned, and conscientious lawyers.

What was Judge Clark's motive? The sketch of his life in Who's Who indicates that he had the very best educational opportunities. He must have known that such decision would render him forever ludicrous in the eyes of real lawyers. Judge Clark must be preparing to resign his office, which evidently irks his youthful energies and ambition, and to seek political office in the overwhelmingly wet State of New Jersey.

Furthermore, Mr. Speaker, this decision of Judge Clark has lowered the popular estimate of judicial integrity. The reaction of that decision is well illustrated by a news item appearing in the Washington Herald of December 19 and purporting it to be a compilation by Mr. M. L. Ramsay. In that news item we find the following statement:

The antidrys see two factors that may help them in the high court:

Five members, a majority, have taken their seats on the bench since the first and last major assaults were made on prohibition in 1920 and 1921.

Possibility of the court ultimately giving more weight to scientific and social considerations, as Clark did, than has been customary.

Such comments and speculations amount to a virtual libel upon the Supreme Court. It leads the public to believe that the members of that court might form their legal judgments upon the constitutionality of a question by the standards of their appetites. In other words, it is virtually charged that a member of the Supreme Court of the United States, if personally and privately opposed to the principle of national prohibition, would let their individual judgments of policy control their judicial judgment of the Constitution itself.

In the next place, Mr. Speaker, it is charged that the Supreme Court of the United States may for the foregoing reasons finally give more weight and consideration to what the newspaper writer described as scientific and social consideration. Of course, he is distinguishing these matters of so-called scientific and social consideration from purely and strictly legal and constitutional questions.

I do not blame the newspaper reporter. But I do blame Judge Clark. Judge Clark led the newspaper reporter and has led the country to believe that judges in her State and Federal courts will decide legal questions upon their individual opinions as to the wisdom of a particular social or scientific policy. The reporter naturally reasons that since Judge Clark is a judge, he is, therefore, a sample of what all judges are, and since Judge Clark manifestly and obviously was influenced in his decision and judgment by his hostility to prohibition in general and to national prohibition in particular. Therefore, other judges of the United States courts, including the Supreme Court of the United States, will by the same token and for the same reason, be influenced by the same motives and pass upon legal questions as prompted by personal prejudices and individual bias. Thus Judge Clark has attacked and harmed the judiciary. He has sullied the fair name of a judge. He has led the rabble to believe that judges can and should decide legal and constitutional questions according to their arbitrary and irresponsible personal bias. He has thus changed a judgeship from an interpreter of the law, from an impartial voice declaring what the law is, into an autocrat and self-willed ruler who makes the law to suit his personal preference. Thus again Judge Clark has invited disrespect for the bench that he should have honored and has brought on a popular contempt for the judiciary which he should have defended. He has opened up the floodgates of anarchy; he has invited every minority group and sect to become a law unto itself.

He has said to the reds and revolutionists, to the Bolsheviks and the bolters, to the socialists and the soviets, to the communists and the crooks and gangsters that they need not respect any part of the Constitution of the United States if they do not wish to, nor any law upon the statute books unless it suits their proclivities, and least of all need they respect the judges upon the bench, because Judge Clark has taught them that judges upon the bench are not fair and true standards for the measurement of law and of legal principles but that the judges may have one law for the rich and another law for the poor, may have one law for the wets and another law for the drys; one law for the saints and another law for the sinners.

So, Mr. Speaker, it must be manifest that I am not participating in this endless wrangle and jangle between the wets and drys as such. That question is not now before us. It is not necessary for me to take any time to declare nor to demonstrate where I stand both personally and politically. But I am speaking in defense of the Constitution, which is the bulwark of our civilization. I am seeking to voice what is to-day in the hearts of more than 100,000,000 liberty-loving and law-observing American people, to wit, that there is no liberty except under the law and that there is no freedom for individuals, nor groups, nor sects, nor sections to pick and choose which law they will observe and which law they will flout. I am protesting in behalf of the hundreds of Federal judges and the thousands of State judges of low and high degree against the false impression that Judge Clark has created concerning judicial integrity. I want the people of the Nation to know that Judge Clark is not a true and fair representative of the judges, both State and Federal, of this Nation, whose Government is not one of men but of laws. I want to warn the people of the Nation against believing that Judge Clark is a fair type of our American judges. I declare unto all our people that our judges are too high and too pure and too self-respecting to admit that they would decide any legal question, in any case, from a magistrate's court up, according to individual notions of policy and personal bias and prejudices.

I want the people of the Nation to feel that they can rely upon our judges. When the people lose confidence in our judges, then they lose confidence in our Government. When they lose confidence in our Government, then the end of America has begun. Law is a mere abstraction and is not self-executory and has no sword to defend itself, nor to avenge its violation. The judge is the mouthpiece of the law. The judge gives flesh and blood to the law. The decree of the judge, when placed in the hands of the sheriff or of the United States marshal, is the avenging sword of the law. All that the masses of the people ever know about law is the way it is applied in individual cases tried before judges. Therefore, to the popular mind and for all practical purposes, the judge is the law itself. The lawyers are a very small percentage of our entire population. The lawyer can discriminate between the law as it is and as declared and applied by the judges. But all the other groups of our citizens except lawyers must assume that what the judge declares the law to be is in fact the law. Therefore, the judge is the law incarnate. If, therefore, the judge virtually declares that his personal opinion about what the law ought to be as matter of policy shall determine his judgment as to what it is as matter of law, then the judge declares to the people that the law is not a rule of action but a changeable, varying will-o'-the-wisp, that means a different thing in the mouths of different judges and means different things in the mouth of the same judge on different days and when trying different cases and when applying the law to different groups. No more subtle nor covert assault upon our republican institutions could have been conceived of. A democracy can survive only through the confidence that the people have in the safety and the fairness and justice of the government.

When the people are convinced that there is no such thing as justice, that there may be one decision when applied to a rich man and another applied to a poor man, that there may be one part of the Constitution flouted and kicked out

to suit the appetite and the prejudice of a judge, that laws solemnly made and declared to be constitutional and under which millions of dollars of fines have been paid and thousands of people are now in Federal penitentiaries are but the arrogant and idle assumptions of several successive Congresses of the United States and that all the other judges, including numerous lawyers in Congress and even the Supreme Court itself, have no knowledge nor wisdom, nor legal acumen, nor constitutional conviction, then woe to life, liberty, and property. The people are apt to judge of all courts by this Judge Clark. If they do, they will conclude just as Reporter Ramsay did in the Washington Herald; to wit, that Supreme Court judges and all other judges will decide constitutional questions by their personal and private opinions as to the policy of prohibition. I repeat that such consequence must have been consciously before the mind of Judge Clark when he rendered this decision. A single second thought would have convinced him that he was sticking dynamite under the foundations of our social fabric and economic structure. No violent red nor insane communist has done orderly government one-thousandth part of the damage that Judge Clark has done. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. McSWAIN. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. MICHENER. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. MICHENER. Has the gentleman given any consideration to the advisability of Members of Congress attacking a judicial decision on the floor of the House when the decision has been appealed to a higher court and is to be disposed of by that court in a constitutional and orderly way?

Mr. McSWAIN. In this case I do not see any impropriety in it. I propose to take it up here and everywhere else, so that if any other judge has a political bee in his bonnet and proposes to seek to rise to popularity upon this wave he will be exposed. The judges are servants of this Nation and are under the law and have no right to defy the supreme law.

Mr. MICHENER. But this body is not the body which determines the constitutionality of a law. The laws enacted by Congress provide how constitutional questions may be raised. If those questions are raised according to law, and a trial judge does not happen to render a decision in keeping with the opinion of any Member of this Congress, and before final disposition of the matter, does the gentleman think it wise for Members of Congress to attack judicial decisions? I want to say to the gentleman, in order to place myself right, that I agree with him on the merits of a large part of what he has said, but I am absolutely opposed to Members coming into this forum and in this manner attacking decisions while the case is pending in the higher court.

Mr. McSWAIN. I appreciate the gentleman's point of view. My idea is not to ask this House to express itself, of course. I asked permission to proceed out of order in order that I might express my views as a citizen of this Republic in this forum, and will speak in any other forum in which I may have an opportunity to speak.

Mr. LINTHICUM. Will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. LINTHICUM. I want to ask the gentleman how he arrives at the fact that this judge has a political bee in his bonnet?

Mr. McSWAIN. I arrive at it just like I arrive at the fact that when I see a track in the sand I know that a rabbit made it rather than a dog, and when I see a track in the sand I know a rabbit went along there.

Mr. LINTHICUM. The gentleman thinks that when a judge decides a case against his views that indicates he is politically inclined.

Mr. McSWAIN. No. The gentleman has never heard me open my mouth about prohibition, and I am not talking

about prohibition in this connection. I am not talking for prohibition or against prohibition. I am talking about the absurdity of this judicial decision in the minds of lawyers. I want to ask my friend, who is a good lawyer, if he will avail himself of the opportunity of defending this as a legal proposition? If he will, he will not find me objecting to his having an opportunity to express himself in an effort to defend it from a constitutional point of view.

Mr. LINTHICUM. I am not a constitutional lawyer of sufficient ability to do that.

Mr. McSWAIN. The gentleman is an older lawyer than I am. He lives in the great city of Baltimore; he has tried big cases and he knows the Constitution. So far as I am concerned, the gentleman will not be deprived of the opportunity of defending the constitutionality of that decision.

Mr. LINTHICUM. No matter what city I live in or what kind of a lawyer I am, I have never been known to criticize a decision of the United States Supreme Court because it did not meet with my views.

Mr. McSWAIN. I have not yet criticized a decision of the United States Supreme Court, and I do not think I am going to have occasion to criticize it when it passes upon this question when it comes before it. [Applause.]

The CHAIRMAN. The time of the gentleman from South Carolina has again expired.

The Clerk read as follows:

Deciduous-fruit insects: For insects affecting deciduous fruits, grapes, and nuts, and including research on the Japanese and Asiatic beetles, \$474,950, of which \$20,000 shall be immediately available.

Mr. WATSON. Mr. Chairman, I move to strike out the last word.

I consider the appropriation made for destroying insects the most important one in the whole bill. The committee makes appropriations to destroy the insects that are now existing, but every year there are new species. I have not read the hearings, but I want to know from the chairman what encouragement the committee has had in making these appropriations. If the insects in the future continue to increase as they have in the past, the committee must make a larger appropriation than \$2,000,000, and I would like to know what encouragement the committee has had from past appropriations?

Mr. DICKINSON. With reference to what insect?

Mr. WATSON. I am alluding to all the insects that you have included in this bill.

Mr. DICKINSON. As to many insects, we have had splendid results. The Mediterranean fruit fly has passed out of the picture, and there are many insects that are no longer considered pests. We have what is known as the Mormon cricket and the old grasshopper insect that are passing out of the picture, and if the gentleman has reference to the Japanese beetle—

Mr. WATSON. No; I am not referring to the beetle. I know in my own community there are new species of insects appearing every year. For instance, they are destroying the sugar maple, they are attacking shade trees, and new ones eating the vegetables. As we partly eradicate one insect—for instance, the potato bug—another one appears.

Mr. DICKINSON. The department has very broad authority, and they can take an appropriation that is named for one particular insect and adjust their operations to attack any other insect along the same line.

Mr. ADKINS. If the gentleman will yield, is not this a fight between the insect and man as to which is going to survive?

Mr. DICKINSON. Absolutely.

Mr. WATSON. Then, it seems to me you will have to make larger appropriations every year for the purpose of destroying the insects.

Mr. DICKINSON. We have been increasing the appropriations every year, and this year there is a very material increase all along the line with respect to insects and pests.

Mr. WATSON. Does the committee feel encouraged or otherwise?

Mr. DICKINSON. I think it is still a fight between the insect and man.

Mr. LARSEN. Mr. Chairman, I move to strike out the last word and ask unanimous consent to revise and extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LARSEN. Mr. Chairman, there is one provision of the bill under consideration which in the few minutes permitted me I would like to bring to the attention of the committee, for it is a matter which I think means a great deal to both the industrial and agricultural interests of this country. It is not very often that a provision of the kind finds its way into national legislation. I have reference particularly to the section providing for the Bureau of Chemistry and Soils and especially the appropriation which provides for naval stores research work and for an experimental laboratory in the field where naval-stores commodities are produced.

The total amount needed for this purpose, as stated by Doctor Skinner when before the committee, is \$85,000. This would provide for the erection of the necessary plant and for its operation one year. The committee has provided in the bill for the appropriation of \$30,000. We are very glad to get that amount and we are making no complaint with regard to the action of the committee for, of course, it is expected that other funds necessary for installation and operation of plant will be provided when and as needed.

I have been told by chemists who are in position to know that probably there is no more fertile field for investigation than the particular field which will be investigated under the funds made available for this purpose—the naval-stores industry.

It is a well-known fact that we ship from this country abroad each and every year something like 50,000 barrels of crude turpentine. It is shipped without distillation into foreign countries where a considerable amount is used in the manufacture of synthetic camphor from which celluloid is produced and used in the manufacture of shatter-proof glass such as appears in the windshields of our automobiles.

This, in itself, is a very important industry. It is one about which very little is known in this country. It is one in which other industries of the country are deeply interested and a very fertile field, and one which the chemists themselves say should be investigated in order that this Nation may get the full benefit that is due it from this wonderful product of turpentine produced in the Southern States of our Union.

There are about 1,400 operating turpentine plants in the United States. There are employed in each of these plants something like 100 to 300 men. Figuring at about five to the family, we see that there are anywhere from half a million to 700,000 people directly interested in this very important industry.

The industry produces something like \$60,000,000 a year. From 80 to 100 years ago it was in its infancy; we had just entered upon this enterprise, so to speak. However, during these years we have worked over the turpentine timber region and to a very great extent depleted such timber. Production has so shifted from North Carolina to Texas, and back and forth, that even to-day there are only about two States that are producing in any considerable quantity. The State of Georgia produces more than 50 per cent of the total output and the State of Florida produces about 31 or 32 per cent.

As before stated, the turpentine-producing timber of the Nation has been practically depleted. We are now engaged in growing turpentine timber. The sad part of it is that the timber does not grow in all of the States. It grows only in the Southern States, and only in two or three of these States does it grow rapidly. The States of Georgia, Florida, and Alabama lead in the production of this type of timber.

It is very important, not only to agriculture but to industry also, that recently it has been determined turpentine farming is a part of agriculture.

When the agricultural marketing act was under consideration eminent authorities thought that its provisions were sufficiently broad to include gum turpentine products.

After the bill had been completed the question whether or not it was so included was raised. I then offered an amendment to the agricultural marketing act providing for its inclusion. This I did during the second session of the Seventy-first Congress.

The Federal Farm Board at that time considered the matter and was inclined to hold that turpentine farming was not included in the provisions of the act so as to be eligible for benefits thereunder.

The board invited me to come down and make presentation of the case, which I did. I then urged the board to send special representatives into the field to investigate and to study turpentine operations, and since that time it has done so, and as I am informed, it is practically conceded by the board that gum turpentine is a farm product. If it has not been made public, I think such opinion will soon be announced. It was undoubtedly the intention of Congress to include the industry in provisions of the act.

In the Federal farm marketing act there is a provision which requires the board to make a survey of marginal agricultural lands. This is one of the prime purposes of and benefits to be derived from the act. The growth of turpentine timber, under the suggested ruling of the board, and with aid from the act, will take from cultivation in the Southern States a large area which has heretofore been used for growing tobacco, wheat, cotton, and other products. My own State, Georgia, has at this time a million and a quarter acres of these marginal lands, most of which are admirably adapted to the growth of turpentine timber, both the yellow pine and the slash pine, for producing naval stores—both types of timber producing different kinds of gum.

The total area involved in the Southern States where production of this kind of timber is grown is from 10,000,000 to 14,000,000 acres. If these lands, by reason of the laboratory research, should be withdrawn from the production of food commodities, it would result in great relief to the agricultural situation of the country, not only in the South but the entire Nation.

I want to thank the committee for including in this bill the \$30,000, and hope that next year it will include the other funds necessary for completion of the plant and its operation the following year.

Mr. CROWTHER. Mr. Chairman, I ask unanimous consent that I may proceed for 10 minutes. I may not use the whole of it.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BUCHANAN. Reserving the right to object, is the gentleman's remarks upon any phase of this bill?

Mr. CROWTHER. I think it is germane; it is a subject we have been discussing for the last day or so.

Mr. Chairman, to avoid any question, I will ask unanimous consent to proceed out of order for 10 minutes.

Mr. BUCHANAN. Reserving the right to object, I have no objection to any Member speaking on anything covered by this bill or that is for the interest of agriculture. I am not going to object to the request of the gentleman from New York, but I will serve notice that hereafter until the bill is concluded I am going to object to the discussion of any other subject than that covered by this bill.

The CHAIRMAN. The gentleman from New York requests unanimous consent that he may proceed out of order for 10 minutes. Is there objection?

There was no objection.

Mr. CROWTHER. Mr. Chairman, ladies and gentlemen of the committee, we have had considerable discussion during the last two or three days on the question of whether or not food should enter into the language of the Senate joint resolution which has just been passed through our having agreed to the conference report. I think this short veto message submitted by a very distinguished Democrat should be placed in the RECORD in connection with the speeches that were

made on both sides of the House regarding the matter of food in emergencies of this character. Its reasoning differs very markedly from that contained in the speeches made on the Democratic side of the House:

EXECUTIVE MANSION, February 16, 1887.

To the House of Representatives:

I return without my approval House bill No. 10203, entitled "An act to enable the Commissioner of Agriculture to make a special distribution of seeds in the drought-stricken counties of Texas, and making an appropriation therefor."

It is represented that a long-continued and extensive drought has existed in certain portions of the State of Texas, resulting in a failure of crops and consequent distress and destitution.

Though there has been some difference in statements concerning the extent of the people's needs in the localities thus affected, there seems to be no doubt that there has existed a condition calling for relief; and I am willing to believe that, notwithstanding the aid already furnished, a donation of seed grain to the farmers located in this region to enable them to put in new crops would serve to avert a continuance or return of an unfortunate blight.

And yet I feel obliged to withhold my approval of the plan, as proposed by this bill, to indulge a benevolent and charitable sentiment through the appropriations of public funds for that purpose.

I can find no warrant for such an appropriation in the Constitution, and I do not believe that the power and duty of the General Government ought to be extended to the relief of individual suffering which is in no manner properly related to the public service or benefit. A prevalent tendency to disregard the limited mission of this power and duty should, I think, be steadfastly resisted, to the end that the lesson should be constantly enforced that though the people support the Government the Government should not support the people.

The friendliness and charity of our countrymen can always be relied upon to relieve their fellow citizens in misfortune. This has been repeatedly and quite lately demonstrated. Federal aid in such cases encourages the expectation of paternal care on the part of the Government and weakens the sturdiness of our national character, while it prevents the indulgence among our people of that kindly sentiment and conduct which strengthens the bonds of a common brotherhood.

It is within my personal knowledge that individual aid has to some extent already been extended to the sufferers mentioned in this bill. The failure of the proposed appropriation of \$10,000 additional to meet their remaining wants will not necessarily result in continued distress if the emergency is fully made known to the people of the country.

It is here suggested that the Commissioner of Agriculture is annually directed to expend a large sum of money for the purchase, propagation, and distribution of seed and other things of this description, two-thirds of which are, upon the request of Senators, Representatives, and Delegates in Congress, supplied to them for distribution among their constituents.

The appropriation of the current year for this purpose is \$100,000, and it will probably be no less in the appropriation for the ensuing year. I understand that a large quantity of grain is furnished for such distribution, and it is supposed that this free apportionment among their neighbors is a privilege which may be waived by our Senators and Representatives.

If sufficient of them should request the Commissioner of Agriculture to send their shares of the grain thus allowed them to the suffering farmers of Texas, they might be enabled to sow their crops, the constituents for whom in theory this grain is intended could well bear the temporary deprivation, and the donors would experience the satisfaction attending deeds of charity.

GROVER CLEVELAND.

I commend this veto message to the gentlemen of the Democratic side who made speeches on the subject expressing their desire to include food in the language of the Senate joint resolution, and especially the gentlemen who even advocated raising the income taxes for that purpose.

The Clerk read as follows:

Truck-crop insects: For insects affecting truck crops, including insects affecting tobacco and sugar beets, \$419,185.

Mr. DOMINICK. Mr. Chairman, I move to strike out the last word, to speak for a moment respecting the paragraph for subtropical-plant insects. I notice by the report of the committee the following language:

An increase of \$6,380 in the working funds for improving methods for the control of the Argentine ant has also been allowed.

I must confess that, as well as a good many other things, the Argentine ant is an insect or pest that I had not heard of until the past few days. Prof. R. M. Smith, who is now associate professor of entomology of the Mississippi Agricultural and Mechanical College, who is a native of my district and a graduate of Clemson College, the agricultural and mechanical college of the State of South Carolina, has written me a very interesting letter in connection with this

pest. I understand that the subcommittee of the Committee on Appropriations has had hearings on this item, but could allow only the amount that has been allowed—\$6,380—at this time. I shall not attempt to offer an amendment to increase this appropriation, but for the information of the House and for the committee hereafter, I ask unanimous consent that this letter, which is short, from Professor Smith, may be printed in the RECORD along with my remarks.

The CHAIRMAN. The gentleman from South Carolina asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

The letter referred to is as follows:

STATE PLANT BOARD OF MISSISSIPPI,
A. and M. College, Miss., December 16, 1930.

Hon. FRED H. DOMINICK,

House of Representatives, Washington, D. C.

DEAR MR. DOMINICK: Please accept my thanks for your letter of December 6, relative to an appropriation for research and eradication work on the Argentine ant. In my previous letter to you I did not go into very much detail concerning this matter, hence I am taking the liberty of doing so now.

The first infestation of the Argentine ant in the United States was found in New Orleans about 1890. Since that time the ants have been distributed by commerce throughout nearly all the Southern States. Some of these States, especially those along the Gulf coast, are heavily infested with the insect; for instance, in Mississippi we know at the present more than 200 infestations. Some of these cover several square miles and take in entire municipalities such as Jackson and Meridian, Miss. That the Argentine ant is not as prevalent in South Carolina as it is in Mississippi and several other States is due to the fact that the ants have not had time to thoroughly infest that State. The ants are spreading very rapidly; only recently I learned of new infestations at both Spartanburg and Gaffney, S. C. As you no doubt know, the boll weevil primarily affects the cotton grower, the Mediterranean fruit fly affects the citrus grower, the European corn borer mainly the corn producer, but the Argentine ant is a pest to everyone. Besides infesting houses, cafés, hotels, etc., the ants are known to foster and distribute injurious insects such as scale insects, mealybugs, and plant lice. These latter insects often destroy or vitalize plant life. Whether the Argentine ant transmits human diseases has not been proven, but because of their filthy habits one has every reason to believe that the ants may spread dysentery, tuberculosis, typhoid fever, and other easily communicable diseases.

That the Argentine ant can be exterminated has been definitely proven by the work which has been conducted in this State. The ants have been eradicated from at least 25 places, and within the next year or two they will perhaps be eradicated from as many more. It is estimated that if the Federal Government should attempt to carry on the work like it should be done it would take at least \$25,000 for research work, and from one hundred to several hundred thousand dollars per year for survey and eradication work. The item allowed in the present Federal Budget is only \$6,400, an amount which is entirely inadequate. In Mississippi alone at least \$100,000 has been spent yearly to fight the Argentine ant. Even some counties have appropriated \$8,000 to \$11,000 each year for this work. As you are especially interested in the Argentine-ant work I hope you will discuss this matter with the members of the subcommittee of agriculture of the House Appropriations Committee. The men are as follows:

Hon. L. J. DICKINSON, of Iowa; Hon. ROBERT G. SIMMONS, of Nebraska; Hon. JOHN W. SUMMERS, of Washington; Hon. JAMES P. BUCHANAN, of Texas; Hon. JOHN N. SANDLIN, of Louisiana.

Thanking you very kindly for your interest in the matter, I am
Very sincerely yours,

M. R. SMITH,
Associate Professor of Entomology,
Mississippi Agricultural and Mechanical College.

The Clerk read as follows:

Cereal and forage insects: For insects affecting cereal and forage crops, including sugarcane and rice, and including research on the European corn borer, \$577,220, of which amount not to exceed \$1,000 may be used for the rent of land in the Southwest for the investigation of the alfalfa seed chalcid, if the Secretary of Agriculture is able to lease said land for a period of not to exceed 10 years, at a rate not to exceed \$1,000 per annum.

Mr. SLOAN. I move to strike out the last word, Mr. Chairman. I do this for the purpose of making inquiry of the chairman as to the appropriation for the European corn borer. I would like to ask whether the appropriation is the same as it was last year and the year before?

Mr. DICKINSON. The real item on the corn borer comes up a little later. There are three items which cover the corn borer. The Budget estimate was \$950,000 for plant quarantine. There is \$272,000 for investigations for a resistant corn. That comes under plant industry. There is \$30,000 here for chemistry and soils, which is an effort to

determine what the soil has to do with the development of the corn borer. The only reduction is that we have had two lines of quarantine, one line of quarantine along New York State, leading down to the north edge of New Jersey, on what is known as the 2-generation corn borer. About \$210,000 was spent there. The western quarantine is out through the States of Ohio and Indiana, and that is where the balance of the money has been spent.

There has been a great deal of discussion whether or not these quarantines should not be entirely abandoned, and that discussion will come up under the food and plant quarantine act a little later, where there will be a modification in the language.

Mr. SLOAN. That is in this bill?

Mr. DICKINSON. In this bill.

Mr. SLOAN. Can the gentleman state with any definiteness how much of that \$577,220 is applicable to the European corn borer investigation or extermination or whatever the activities may be?

Mr. DICKINSON. The \$272,000 is absolutely all given over to research, to finding the habits of the bug and how to eradicate them. That is all spent on work.

Mr. SLOAN. There is no large amount devoted to policing?

Mr. DICKINSON. Oh, yes; that is the other item of \$950,000.

Mr. SLOAN. But it does not run into millions, as it did a few years ago?

Mr. DICKINSON. Oh, no; that has been eliminated.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Total, Bureau of Entomology, \$2,840,120, of which amount not to exceed \$488,750 may be expended for personal services in the District of Columbia.

Mr. BOX. Mr. Chairman, I move to strike out the last word.

I ask unanimous consent to speak out of order, Mr. Chairman, but related to agriculture.

The CHAIRMAN. The gentleman evidently qualifies under the proviso of his colleague.

Mr. BUCHANAN. If the gentleman will speak on agriculture I will have no objection. Otherwise I do object.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas [Mr. Box]?

There was no objection.

Mr. BOX. I obtained this time for the purpose of calling attention to bills introduced by the gentleman from Texas [Mr. SANDERS] and the gentleman from Alabama [Mr. BANKHEAD] authorizing the extension of time on loans made by the Federal land bank to farmers who make default in the payment of interest on their loans. I have considered the introduction of such a bill myself.

I think by all means this general subject ought to be given careful consideration. The foreclosure of liens against great numbers of productive farmers, occupying their farm homes, would be a very unfortunate thing at this time. If the lien is foreclosed and the farmer is ejected from possession of his home the land will probably become vacant and nonproductive. After such foreclosure, under present conditions it will not be an asset of the Federal land bank, at least not a productive one, and it will be a very serious injury to the farmer himself.

I have not adopted all the details of these bills thus far offered so as to be able to commit myself to all of them, but nevertheless I believe that this type of farm relief will be more substantial and more productive of permanent good than some of the other measures which we are adopting, though I am favoring the present relief measures.

Mr. SLOAN. Will the gentleman yield?

Mr. BOX. I yield.

Mr. SLOAN. Can the gentleman state briefly for my information, and possibly the information of others, what degree of discretion the Farm Loan Board has in the matter of foreclosure or nonforeclosure in the case of default of interest or of the principal, if any portion of the principal may be due?

Mr. BOX. I understand that they have very little discretion and that they feel compelled to make foreclosures. Moreover I am informed that great numbers of farmers face such foreclosures. That would, in great measure, defeat the purpose which prompted the establishment of the Federal land banks. It would not benefit those banks because these farms will not bring money now. It would ruin many farmers who should stay in their homes. Farmers should not now be driven from their homes to the ranks of unemployed, seeking work in industries. Where there have been defaults in many instances the land banks have refused to grant extensions when the failure to do it has been ruinous to a good, productive farmer who simply had some of the misfortunes against which we are trying to grant relief in this Congress.

Mr. SLOAN. Is the purpose of these bills to extend that discretion?

Mr. BOX. That is my understanding. I know that is my purpose in supporting the proposition. I yield to the gentleman from Alabama [Mr. BANKHEAD].

Mr. BANKHEAD. The gentleman has put his finger directly on the power that we want to invoke. If the Federal land bank, with the approval of the Federal Farm Board, shall during this period of emergency have discretion to extend these loans and withhold foreclosure, the situation will be remedied.

Mr. SLOAN. I should be quite in harmony with the spirit of that bill, if that accurately states it.

Mr. BANKHEAD. That is one of the major purposes of the bill.

The pro forma amendment was withdrawn.

The Clerk read as follows:

Control of predatory animals and injurious rodents: For demonstrations and cooperation in destroying animals injurious to agriculture, horticulture, forestry, animal husbandry, and wild game; and in protecting stock and other domestic animals through the suppression of rabies and other diseases in predatory wild animals, \$590,480.

Mr. LEAVITT. Mr. Chairman, I move to strike out the last word.

I notice that an expenditure that has been in previous appropriation bills in the form of one item has now been separated into two. The item for the control of predatory animals and injurious rodents has been separated from the single item previously carried under the head of "Food habits of birds and animals."

I consider that a forward step, because it is beginning to give proper consideration to the problem of the control of predatory animals and the extermination of rodents.

I also notice with a great deal of satisfaction that there is an increase here for the control of predatory animals and the extermination of injurious rodents of about \$12,000. I understand that that is to take care of increased work in States east of the Mississippi River, where the infestation of orchards and fields generally by rodents of various kinds, mice and rats, is to be undertaken in a more extensive way than has been the case in the past.

It will be interesting to the Congress to notice in the hearings a statement by a member of the Biological Survey that an estimate of damage by one rat is about \$2 a year, and that it would not be out of line to estimate the total damage to crops and orchards of the country by injurious rodents, to be probably \$200,000,000. Thus the allotting of an additional \$12,000 to carry forward that particular line of work is in the way of real economy.

I wish also to call attention to the fact that during the first session of this Congress hearings were held before the Committee on Agriculture with regard to a bill which I had introduced on the 6th of February of this year, H. R. 9599.

It is a bill to authorize the Secretary of Agriculture to carry out his 10-year cooperative program for the eradication, suppression, or bringing under control of predatory and other wild animals injurious to agriculture, horticulture, forestry, animal husbandry, wild game, and other interests, and for the suppression of rabies and tularemia in predatory or other wild animals, and for other purposes. The

hearings were attended by representatives of many of the States and it was conclusively shown, I am sure, that the 10-year program proposed by the Secretary of Agriculture should be provided for by adequate appropriations and put into effect. That 10-year program was the answer of the Secretary of Agriculture to a question asked, I think, by members of this subcommittee which has reported the present appropriation bill to the House, as to what needed to be done to bring the predatory animals and rodents under control and lead toward a final solution of the problem they present as injurious to the livestock and agricultural interests. The answer was a program that would extend over a period of 10 years.

I wish to call it to the attention of the committee that the proposal is not the extermination of wild animals but the control of wild animals in so far as they are injurious to the livestock and agricultural interests. The evidence showed quite conclusively that the appropriations being made have just about held even with the natural increase of these animals and rodents, so that there will be an indefinite extension of the problem under the present method. The idea advanced in these hearings and under the program of the Secretary of Agriculture is that for the 10-year period this program should be speeded up; that the situation should be brought under control, and that then it would take a lesser amount of appropriations each year to maintain that control.

I hope that the Members of the House who are interested—and many of you are, because many have spoken to me about this matter and have heard from their States—will present to the Committee on Agriculture, which has my bill before it, the importance, necessity, and wisdom of reporting it out at this session of Congress. In the next Congress steps can then be taken to increase the amounts of appropriation, in order to lessen or avoid these losses to our agricultural and livestock interests.

The CHAIRMAN. The time of the gentleman from Montana has expired.

Mr. LEAVITT. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SLOAN. Will the gentleman yield?

Mr. LEAVITT. Yes.

Mr. SLOAN. I notice that the policy is to control predatory animals and injurious rodents. I presume there is a reason for it, but why have a policy of control rather than a policy of extermination of injurious rodents? Why should not a policy be adopted which would exterminate injurious rodents instead of keeping them alive in order to secure appropriations?

Mr. LEAVITT. The gentleman will recall, perhaps, that in my opening remarks I separated those two things, stating that I understood this added \$12,000 was for the extermination of these injurious rodents. Of course, those who are interested in the control of predatory animals from the standpoint of protecting the products of mankind run counter to the theoretical ideas of many who seem to feel that the rights of wild animals are greater than the rights of domestic animals.

Mr. SLOAN. I can understand that as to predatory animals, but not as to predatory rodents.

Mr. LEAVITT. The purpose here is control and not extermination, so far as predatory animals are concerned. Of course, my own judgment is that many kinds of injurious rodents, at least in many localities, ought to be as nearly exterminated as possible, but their complete extermination is almost an impossibility. That matter takes care of itself.

Mr. SLOAN. The word "control" is used interchangeably between rodents and animals.

Mr. LEAVITT. The degree of control would vary with the necessities of the case.

The pro forma amendment was withdrawn.

The Clerk read as follows:

For the acquisition of areas of land or land and water pursuant to the act entitled "An act to establish the Upper Mississippi River wild life and fish refuge," approved June 7, 1924 (U. S. C.,

title 16, secs. 721-731), as amended, and for all necessary expenses incident thereto, including the employment of persons and means in the city of Washington and elsewhere, \$150,000, which shall be available until expended, being part of the sum of \$1,500,000 authorized to be appropriated for such purpose by section 10 of said act; and for all necessary expenses of the Secretary of Agriculture authorized by section 9 of said act, \$47,780; in all, \$197,780: *Provided*, That the Secretary of Agriculture may incur obligations and enter into contracts for the acquisition of additional areas to an amount which, inclusive of the amounts heretofore and herein appropriated, shall not exceed a total of \$1,500,000, and such contracts shall be deemed contractual obligations of the Federal Government.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word in order to get some information from the committee. On the Upper Mississippi River, may I inquire of the committee how much of the land contemplated to be purchased by the department is yet to be included in the amount provided in this bill?

Mr. DICKINSON. It is my impression, speaking from memory, that the larger part of it has already been purchased or contracted for.

Mr. DOWELL. I note the provision here is that the \$1,500,000 is to be exhausted in the purchase of land.

Mr. DICKINSON. That is true.

Mr. DOWELL. That includes, as I understand it, all that has been authorized for this purpose?

Mr. DICKINSON. That is correct.

Mr. DOWELL. May I inquire of the chairman if this amount is sufficient to purchase all which the department believes should be included?

Mr. DICKINSON. It is my understanding it will not be necessary to use all of this money; that they will have more than enough money.

Mr. DOWELL. Is the gentleman able to give to the House information as to the number of acres that have been purchased under this provision?

Mr. DICKINSON. I can not give it to the gentleman offhand.

Mr. DOWELL. Can the gentleman approximate the amount?

Mr. DICKINSON. I would have to get that acreage and put it in the RECORD.

The pro forma amendment was withdrawn.

The Clerk read as follows:

To enable the Secretary of Agriculture to carry into effect the act entitled "An act to fix standards for Climax baskets for grapes and other fruits and vegetables, and to fix standards for baskets and other containers for small fruits, berries, and vegetables, and for other purposes," approved August 31, 1916 (U. S. C., title 15, secs. 251-256), the act entitled "An act to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes," approved May 21, 1928 (U. S. C., Supp. III, title 15, secs. 257-257i), and the act entitled "An act to prevent the destruction or dumping, without good and sufficient cause therefor, of farm produce received in interstate commerce by commission merchants and others and to require them truly and correctly to account for all farm produce received by them," approved March 3, 1927 (U. S. C., Supp. III, title 7, secs. 491-497), including the purchase of such perishable farm products as may be necessary for detection of violations of the latter act: *Provided*, That all receipts from the sale of such products shall be credited to this appropriation, and shall be reexpendable therefrom, and including the employment of such persons and means as the Secretary of Agriculture may deem necessary in the city of Washington and elsewhere, \$43,000.

Mr. DICKINSON. Mr. Chairman, I offer an amendment correcting the total.

The CHAIRMAN. The gentleman from Iowa offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. DICKINSON: Page 74, line 2, strike out "\$43,000" and insert in lieu thereof "\$45,000."

The amendment was agreed to.

Mr. DOWELL. Mr. Chairman, evidently there is not a quorum present, and I make the point there is no quorum present.

Mr. SLOAN. Mr. Chairman, I ask unanimous consent that the point of no quorum be withdrawn. I think that is proper.

Mr. DOWELL. I withdraw the point of order, Mr. Chairman.

The Clerk read as follows:

Total, Bureau of Home Economics, \$246,700, of which amount not to exceed \$254,990 may be expended for personal services in the District of Columbia.

Mr. DOWELL. Mr. Chairman, I move to strike out the last word. I note on page 75, line 22, a total of \$246,700, and out of that is to be taken \$254,990, and I am inquiring into the correctness of the committee in making this computation. I would like to have an explanation from the committee, if I may.

Mr. SLOAN. Does not the gentleman think that can be done better here in the District of Columbia than any place on earth? [Laughter.]

Mr. DICKINSON. Mr. Chairman, we are very appreciative of the suggestion of the gentleman from Iowa [Mr. DOWELL]. The figure in line 23 should be \$224,990, instead of \$254,990, and I ask unanimous consent that the figure "5" be changed to the figure "2."

Mr. DOWELL. Not having watched the computations in other paragraphs of this long bill, may I inquire of the chairman if the rest of them are as correct as this one? [Laughter.]

Mr. DICKINSON. Mr. Chairman, I ask unanimous consent that the figure 5 in line 23, page 75, in the amount of \$254,990, be changed to the figure 2.

Mr. DOWELL. The gentleman must offer an amendment to that effect and have it adopted.

The CHAIRMAN. The gentleman from Iowa [Mr. DICKINSON] asks unanimous consent that in line 23, page 75, the figure 5 be changed to the figure 2, so that the amount will be \$224,990. Is there objection?

Mr. DOWELL. Mr. Chairman, I make the point of order that that can not be changed except by an amendment. If the gentleman desires to offer such an amendment that is perfectly proper, but it is not proper to change the text of the bill without submitting an amendment and having it approved by the committee.

The CHAIRMAN. The Chair will consider that the gentleman from Iowa [Mr. DICKINSON] offers an amendment to that effect.

Mr. DOWELL. Then I would like to have the amendment reported in the usual way.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment by Mr. DICKINSON: Page 75, line 23, strike out "\$254,990" and insert in lieu thereof "\$224,990."

The amendment was agreed to.

The Clerk read as follows:

Agriculture on account of such cleaning and disinfection shall be covered into the Treasury as miscellaneous receipts.

Mr. FORT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, in the report of the committee on this item occurs the following language:

There is a further reduction—

Referring to the Bureau of the Budget figures—

of \$210,000 made by the committee, in view of the committee's conviction that the quarantine and road patrol measures on the eastern boundary of the regulated area can safely be dispensed with.

There are two types of European corn borer—the 1-generation type, which infests the West, and the 2-generation type, which is found in the wet districts around the city of Boston. All the wet territory is subject to infestation of this type of corn borer, and the quarantine at present held by the Federal Government is for the protection of the State of New Jersey, which State I have especial reason to know to be predominantly wet, and operates chiefly along the western border of the State of Connecticut.

The committee, I believe, will confirm the statement that after further investigation of this subject they feel that the language which I have read from the report of the committee should not be taken as binding by the Department of Agriculture in carrying out the allocation of the appro-

priations named in the bill, but that it should be available for the maintenance of quarantine in the eastern area as well as in those sections infested by the so-called 1-generation type of European corn borer.

As a matter of fact, it is probably scientifically true that the 2-generation borer, which infests the Boston area, is a far more dangerous pest to a large number of farm products, including all tubers and many other crops, than is the 1-generation variety of European corn borer known in the West.

I believe the chairman of the subcommittee will confirm my statement that the Department of Agriculture is exempted from following that particular language in the report which prohibits the maintenance of the eastern quarantine and may hereafter use its judgment as to the allocation of funds.

Mr. SLOAN. Will the gentleman yield?

Mr. FORT. I yield.

Mr. SLOAN. The gentleman is a member of the Agricultural Committee and comes from a section of the country where the corn borer is more active than it is in the section of the country in which I live. I would like to ask the gentleman if he believes that the sum appropriated here is ample to prevent the further spread of the corn borer and protect the wet districts where it is possible?

Mr. FORT. From such investigations as I have made and from the hearings there is substantial ground to doubt seriously the commercial damage from the 1-generation corn borer. I think the committee can give a better estimate of that than I can.

Mr. DICKINSON. Mr. Chairman, I would like to proceed for five minutes. There is contained in this bill three items covering the corn-borer situation—\$30,000 for research in the Bureau of Chemistry, \$272,000 in the Bureau of Entomology, and \$710,000 for quarantine.

The committee has been hearing the proponents and the opponents of the corn-borer control works for some time. There has been developing in the minds of the committee the thought that the quarantine work possibly could be reduced. The reason for that is that there is very little showing of commercial damage due to the corn borer. In fact, the western area has never shown any commercial damage whatsoever. The experts of the department tell us that. The only place we find there is in any grave danger of commercial damage is in what you would call the low marshy land. That first happened around the city of Boston, and it also happened to some extent around Lake Erie on the Canadian side. For that reason the committee has been gradually reaching the conclusion that there ought to be some curtailment of this quarantine control. There was included in the report the following statement:

There is a further reduction of \$210,000 made by the committee, in view of the committee's conviction that the quarantine and road-patrol measures on the eastern boundary of the regulated areas can safely be dispensed with.

I think the language—

On the eastern boundary of the regulated area can safely be dispensed with—

should be stricken from the report. This would leave the department free to select the place where they want to make the curtailment in the quarantine operations, and if they thought that the area in the East was in graver danger than the area in the West they would be in a position then to use the funds in whichever area they saw fit. I think the department should understand that there is no limitation on their use of the \$740,000 in the quarantine work; that they may use it wherever the danger is gravest and eliminate the work in the section where the danger is less.

Mr. FORT. Then, Mr. Chairman, with that understanding, I am not offering the amendment which I had proposed to offer to increase the appropriation by \$210,000, and I withdraw the pro forma amendment.

The CHAIRMAN. Without objection the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For the control and prevention of spread of the white-pine blister rust, \$10,200.

Mr. LEAVITT. Mr. Chairman, the item just read carrying an appropriation for the control and prevention of spread of the white-pine blister rust, \$10,200, is one that has to do with forestry. I do not intend to discuss that particular item in detail at this time, except to express my satisfaction that such an item is in the bill. I call the attention of the House to the fact that there have been included in the forestry items of this bill some particularly valuable additions of moneys that make possible the doing of work of great importance. I have in mind in particular an item to be found on page 48:

Forest survey: A comprehensive forest survey under section 9, \$200,000.

Work of that character has been carried on in some places in the forested areas of the country, but it is particularly important to those of us from the northern Rocky Mountain section that this bill includes under the heading of "Forest survey" the sum of \$20,000 for a survey in the inland empire by the Northern Rocky Mountain Forest Experiment Station. That provides for the initiation of the work of forest survey in the inland empire, and I am sure it will be interesting to the House to know what is contemplated. The hearings disclose that fully in very brief form:

Twenty thousand dollars for a survey in the inland empire by the Northern Rocky Mountain Forest Experiment Station.

The economic welfare of the inland empire, including Idaho, western Montana, and eastern Oregon and Washington, is largely based upon forest industries. This region includes the western white-pine forests, which periodically are subjected to disastrous conflagrations and which are now threatened by the blister rust. Overcutting is taking place on private lands. The situation involves complex public and private owner relationships. It presents one of the most puzzling forest problems of the country. The survey is needed at once to obtain basic data essential for effectively working out public and industrial forest and land policies which will enable perpetuation of the forest resource and the industries based thereon.

The plan of the department will be to obtain authoritative data on the quantity, quality, and distribution of the remaining stands of timber, the rapidity with which it is being cut and destroyed by lumbering, fires, insects, diseases, or other causes, the current rate of replacement by new growth and potential future growth, present and probable future requirements for timber, the acreage and condition of forest land, and such other data as may be necessary as a basis for State, regional, and national forest policies.

Cooperation: It is probable that cooperation can be expected from timberland owners and other agencies.

The experience in carrying on forest-fire protective work in that section would lead us to the conclusion that this sort of cooperation will be reasonably possible in connection with this forest survey. Mr. Chairman, that item ties in closely with the one just read, for the carrying on of the work against the white-pine blister rust. This survey is in a region in Idaho, Montana, Oregon, and Washington which contains one of the most valuable stands of white pine. It is now being attacked to some extent by this white-pine blister rust, and the survey, in addition to the further appropriations that it will ultimately point to, will prove conclusively the value of those that are now being made and will result in meeting that devastation of blister rust which is, in the long run, as serious as the forest fires. This is one of the most important forestry items in this bill and one to which I wish to call the attention of the House as showing the forward-looking program of this committee in meeting the forestry problem of the country.

The Clerk read as follows:

ENFORCEMENT OF THE GRAIN FUTURES ACT

To enable the Secretary of Agriculture to carry into effect the provisions of the grain futures act, approved September 21, 1922 (U. S. C., title 7, secs. 1-17), \$198,980, of which amount not to exceed \$48,800 may be expended for personal services in the District of Columbia.

Mr. HOWARD. Mr. Chairman, I move to strike out the last word for the purpose of making an inquiry of the chairman of the committee. Will the chairman be kind enough to explain to me in words which one of my limited ability

can understand just what is meant by "duties of the Secretary of Agriculture with reference to the grain futures act."

Mr. DICKINSON. Under the grain futures act the Secretary of Agriculture is given the power to prescribe rules and regulations for the control of the grain exchanges that are public grain exchanges. I think that only includes a limited number of the grain exchanges in the United States. These rules and regulations can prescribe the amount of commission that a concern may charge; prescribe the methods by which the grades may be determined; and regulations for carrying out the grading of the grain, and so forth.

Mr. HOWARD. It is understood that the Secretary of Agriculture would have the power to deny to any person the privilege of making a grain exchange purchase of grain which he never intends to receive and from somebody who never had any grain?

Mr. DICKINSON. I do not think the Secretary of Agriculture would have any such authority under the present law. The only instance I can cite where the Secretary of Agriculture acted in such a matter is the recent development on the Chicago Board of Trade, when it was presumed that the Russian Government in the course of three or four days sold seven or eight million bushels of futures and the Secretary of Agriculture did not feel he had authority to eliminate a sale by a foreign government on the board of trade. The only influence he had was to get the fair trade committee of the board of trade to adopt regulations whereby a foreign government was not to be permitted to sell grain on the Chicago Board of Trade. Those regulations were adopted and that eliminated the sale of the Russian wheat, a manipulation that was affecting the market as far as the price of wheat was concerned.

Mr. HOWARD. It was unfortunate that that order was not issued at the time when the representatives of England, France, and Belgium came here shortly following the war and are said to have sold short vast millions of bushels of our chief grains, drove them down to a price at which they felt it would be about proper for them to buy, and then purchase quantities needed by those governments, all at the loss of the American producer.

Mr. DICKINSON. That is one of the instances that was an inspiration for the passage of the grain futures act, as I recall it. I have forgotten in just what year that took place, but it was one of the instances that was used at the time as an illustration of how a foreign government could manipulate our prices under the present marketing system.

Mr. HOWARD. I understand the gentleman to say that under existing law the Secretary of Agriculture has no power to forbid short sales on any grain exchange.

Mr. DICKINSON. That is true.

Mr. HOWARD. Does the gentleman not think that his committee, having charge more directly of the interests of agriculture than others of us who are not members of that committee, and believing that to be a gigantic evil, should present something to forbid that evil?

Mr. DICKINSON. I will suggest that there is now pending before the Committee on Agriculture a bill introduced by myself to cure the very situation which the gentleman has described.

Mr. HOWARD. But in the absence of quick functioning by that committee there is not much hope in the hearts of those who believe that that legislation should be enacted.

Mr. DICKINSON. That is probably true.

Mr. JONES of Texas. Will the gentleman yield?

Mr. HOWARD. I yield.

Mr. JONES of Texas. I would like to suggest to the gentleman that the grain futures act provides that the Secretary of Agriculture—

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. HOWARD] has expired.

Mr. JONES of Texas. Mr. Chairman, I move to strike out the last word.

The grain futures act, as at present worded, provides that the Secretary of Agriculture may lay down rules and regulations under which an exchange may operate, and if they

fail to comply with those rules and regulations he may take away their licenses. When that is done they can not operate longer until they get the Secretary of Agriculture to restore their privileges or until they go into the courts and set aside the action of the Secretary as an abuse of discretion.

I think under those rules the Secretary might have authority to act in a case of that kind. The measure clothes the Secretary of Agriculture with discretion in the way of making rules and regulations to prevent manipulation and control of prices. There are a number of bills pending before the House committee, one of which I introduced myself, the effect of which would be to stop all short selling. I have never been able to see where actual short selling of a commodity that a man does not possess, or purporting to sell a commodity which he does not possess and does not expect to possess, could add anything to the value of that commodity or serve any useful purpose. Actual trading in a commodity would, of course, be valuable. If the trading were limited to that, I think it would be well to have that done. A number of hearings have been conducted, but it is hard to get the committee to agree on just what form the legislation should take. I have no doubt there will be some further consideration of that legislation.

Mr. DICKINSON. Will the gentleman yield?

Mr. JONES of Texas. I yield.

Mr. DICKINSON. Was the gentleman not a member of the committee when the grain futures act was passed by the House of Representatives?

Mr. JONES of Texas. Yes, I was; I was one of the committee of 21 members.

Mr. DICKINSON. The gentleman was present at the long hearings, where the matter of trading in futures, particularly the speculative phase of it, was discussed?

Mr. JONES of Texas. Yes.

Mr. DICKINSON. And at that time the gentleman heard both the pros and the cons with reference to the benefits and the evil effects of futures trading?

Mr. JONES of Texas. Yes.

Mr. DICKINSON. But futures trading still was permitted at that time?

Mr. JONES of Texas. Yes. Futures trading still was permitted as the bill was finally passed. It was not passed in the form I wished, but it was the best that could be gotten at that time. There were a number of different suggestions made. In fact, there was a limitation on the amount of short selling that might be done by any one individual or any one concern placed in the bill, but the bill finally passed and became a law and that limitation was stricken out of the bill. I always felt that would have helped somewhat. Of course, legislation, as the gentleman knows, must be a matter of compromise. I have never been able to convince a majority of the committee that the limitations should go as far as I feel it should go.

Mr. DICKINSON. At the present time there is nothing in the law that would give to the Secretary of Agriculture any authority to come in and reach the trading of a foreign government on a board of trade except his right to issue or cancel licenses and issue rules and regulations.

Mr. JONES of Texas. That power is in the bill.

As the gentleman has well said, the recourse he would have would be the issuance of a regulation or rule or requirement, the violation of which would give him the privilege of taking away their license to do business. Of course, if he found the market was being manipulated he could have canceled the license.

Mr. GARBER of Oklahoma. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. GARBER of Oklahoma. In that connection I desire to call the gentleman's attention to section 5 of the grain futures act of 1922, paragraph 1:

The Secretary of Agriculture is hereby authorized and directed to designate any board of trade as a "contract market" when, and only when, such board of trade complies with and carries out the following conditions and requirements.

I now call the gentleman's attention to paragraph (d) of that section.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. JONES of Texas. Mr. Chairman, I ask unanimous consent to proceed for five additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GARBER of Oklahoma. Paragraph (d) provides when the secretary may revoke the license:

When the governing board thereof provides for the prevention of manipulation of prices or the cornering of any grain by the dealers or operators upon such board.

Mr. JONES of Texas. That general authority is granted to the board, and, of course, I think the grain administration, if they saw fit to do so, would have authority to act under that general provision.

Mr. GARBER of Oklahoma. The question was asked whether or not there was any prohibition in the law which might be enforced to prohibit the short selling of grain by foreign governments. Under the provision I have just read the Secretary is empowered to revoke the license of any board of trade whenever he finds the market is being manipulated to influence either way the price which would otherwise be maintained.

Mr. JONES of Texas. I think the provision which the gentleman read undoubtedly gives that authority.

Mr. GARBER of Oklahoma. In the hearings before the Agricultural Appropriation Committee, Mr. Duvel, representing the department, said:

While the Russian sales extended over a period of four days, most of the selling took place on September 10 and 11. The total Russian sales on those two days amounted to 7,185,000 bushels, or 11.4 per cent of the total sales on the Chicago Board of Trade on those days.

Mr. JONES of Texas. May I suggest to the gentleman in that connection that the total short selling by people in this country was so much greater than these sales that they were a mere drop in the bucket, because there were nearly 20,000,000,000 bushels of futures sold in one year, and for several years there have been from twelve to twenty billions of bushels sold on futures contracts.

Mr. GARBER of Oklahoma. I know that, but I am only referring to the transactions which occurred on four days.

On September 10 the Russian sales amounted to slightly more than 14 per cent of the day's business, and on the 11th slightly more than 9.4 per cent. Practically 50 per cent of the total volume of trading on the Chicago Board of Trade represents scalping; i. e., the trading of persons who buy and sell in equal amounts during the day and are even at the end of the day. Therefore, if the purely scalping trade be eliminated, the Russian sales on September 10 and 11 would represent approximately 23 per cent of the total trading on those two days. The open commitments during the 4-day period increased from 147,982,000 bushels to 158,317,000 bushels, or an increase of 10,335,000 bushels. Of this increase in open commitments the Russian sales were responsible for 7,765,000 bushels, or a little more than 75 per cent. During the same period the price of December wheat declined from a high of 92 $\frac{1}{2}$ cents on September 8 to a low of 86 $\frac{1}{2}$ cents on September 11, a loss of 6 $\frac{1}{2}$ cents. The May future declined from a high of 99 $\frac{1}{2}$ cents on September 8 to a low of 93 $\frac{1}{2}$ cents on September 11, a loss of 5 $\frac{1}{2}$ cents.

Mr. JONES of Texas. The gentleman understands that I do not think short selling should be permitted by the Russians or anybody else on our exchanges.

Mr. GARBER of Oklahoma. I understand that, but I am offering this statement of fact as evidence of the manipulation of the market and the pounding down of prices, resulting in the loss of millions of dollars.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. GARBER of Oklahoma. Mr. Chairman, I ask unanimous consent that the gentleman from Texas may proceed for two additional minutes.

The CHAIRMAN. Without objection it is so ordered.

There was no objection.

Mr. GARBER of Oklahoma. I want to ask the gentleman from Texas if, in his judgment, the evidence was not sufficient to at least warrant an aggressive and searching investigation on the part of the Department of Agriculture?

Mr. JONES of Texas. I certainly think so.

Mr. GARBER of Oklahoma. I ask the gentleman whether or not the facts were not sufficient for the Secretary of Agriculture to exercise the power invested in him by section 2 of the act and revoke the license?

Mr. JONES of Texas. I certainly think that the conditions which the gentleman has recited would justify such action, but I do not know what steps the department may have taken with reference to that. I certainly think the conditions which the gentleman has recited would have warranted that course of procedure.

Mr. GARBER of Oklahoma. The request for these appropriations for this very purpose undoubtedly challenged the consideration and attention of the distinguished gentleman who was acting as chairman of the Appropriations Committee.

Mr. JONES of Texas. I agree to that, and I would rather that the chairman to whom the gentleman refers should make such explanation as he may care to make in that regard.

Mr. GARBER of Oklahoma. No information was developed, and the department offered no information before this committee relative to their enforcement of this most important protective feature of the act, in which the Federal Farm Board and all of the farm producers of the country were very much interested, and to which their attention had been called by this sale on the market at that time of seven and a half million bushels of wheat by the Russian Government.

The CHAIRMAN. The time of the gentleman from Texas has again expired.

Mr. GARBER of Oklahoma. Mr. Chairman, I ask unanimous consent that I may proceed for 10 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GARBER of Oklahoma. Expressive of the sentiment of the producers is one paragraph which I quote from resolutions passed by the Farmers' Union of Oklahoma, and personally approved by the newly elected president, John A. Simpson. It reads:

To place the rules, conduct, and practices of all grain exchanges enjoying a futures-market privilege under the direction of the National Department of Agriculture.

Then paragraph (b) reads:

That no sales or purchases in grain futures be permitted except those which contemplate ownership and delivery of grain.

I believe that this paragraph of the resolution expresses the demand of the farm organizations and of the producers generally throughout the country.

Mr. JONES of Texas. I agree with the gentleman on that proposition.

Mr. GARBER of Oklahoma. I do not see why the Department of Agriculture, when asking appropriations for the enforcement of this act, could not have come forward and shown what it has done, and if the law is insufficient in any place, to urge that it be amended so as to cure any defects that may have been brought to their attention.

Mr. DICKINSON. I want to say to the gentleman from Oklahoma that there is already in course of preparation legislation which, I presume, will be introduced following the holidays, curative of the very situation the gentleman has in mind.

Mr. GARBER of Oklahoma. The gentleman recognizes the widespread demand and the necessity for such legislation?

Mr. DICKINSON. Yes; I do, indeed.

Mr. JONES of Texas. I want to state to the gentleman that Doctor Duvel, of whom the gentleman spoke, advises me that he will make some suggestions in connection with amending the act.

Mr. GARBER of Oklahoma. Mr. Chairman, members of the committee, I exceedingly regret that the short time allotted me will not permit of my yielding for interruptions.

From the gambling in grain and the manipulation of prices of farm products on the boards of trade, let us turn to the manipulation of prices in the oil markets. The people of Oklahoma are as deeply interested in the latter as they are in the former.

Under normal conditions, even during this period of depression, very few States would have been more fortunately situated than Oklahoma. Her three great industries—agriculture, manufacturing, and mineral—have in equal amounts generally contributed to the vast volume of additional wealth each year. For the year 1929 farm products contributed \$492,460,000; manufactured products, \$465,000,000; and mineral and forest products, \$506,000,000, making the enormous total production of new wealth for the year 1929 \$1,463,460,000. No other State in the Union can show such an evenly balanced production of diversified industries. Oklahoma's constitutional limitation for State taxes is fixed at 3½ mills upon the assessed value of property. During three out of the five years preceding 1929 it was unnecessary to levy any State taxes whatever; this because of the enormous revenues derived from the gross production tax on oil. During recent periods of depression oil has come to the rescue. It has given steady employment to labor at good wages, and distributed with a lavish hand royalties and rentals to the farmers, as well as providing a steady revenue in gross production taxes for the State.

The conservation of our State and national resources should be the primary concern of the State and Federal Government, each acting within its own sphere of jurisdiction.

Conservation, however, does not mean the withholding from present use of the State and Nation's natural resources. It does mean that those resources should be drawn upon without waste and economically used by the consumers. Conservation does not mean that this generation must deny itself the economical use and sacrifice by storage and hoarding for the next generation. It is under no such obligation. Each generation, by the right of discovery, has the inherent right to economically use such resources. In fact, its inherent tendencies to progress to its destiny compel it to do so.

It is estimated that our potential oil supplies are in excess of the economic use of this generation; that our oil supply will produce 2,500,000,000,000 barrels of gasoline; that our mountains of shale will yield 92,000,000,000,000 barrels of gasoline—carrying us along for another 100 years or more.

Then, again, it is estimated that where we formerly got only 25 per cent gasoline, by the cracking process, we now get 60 per cent, and by the latest hydrogenation we get 100 per cent.

While there may be no substantial evidence of the exhaustion of fuel supply before the present supply is displaced by more economic substitutes, yet that does not relieve us of the obligation of the economic use of our resources. In this period of overproduction, it is the plain duty of the State in the execution of the wise policy of conservation to withdraw its lands from future development for oil production, having due regard, of course, for the vested rights of lessees.

In the prohibition of all physical waste, the corporation commission, in the proper exercise of the police powers of the State, has been rendering excellent service in the enforcement of our conservation policy. The controversy arises in the use of the police power to curtail production and thereby deny the benefits of lower prices to the consuming public and maintain abnormal prices to the producers.

If it were not for the consuming public the oil would be valueless. The public has a material interest. Its rights must be considered. The police powers of the State can not be used through the camouflage of proration by the producers to crush out competition and fix prices against every producer of a gallon of oil or gasoline. If the fixation of prices is a proper exercise of police power to prevent waste in economic production, then the farmers could invoke the exercise of such power and the Federal power under the commerce clause of the Constitution to fix the price of their products—for by the process of erosion and continuous crop production the fertility of the soil is rapidly depleted and its replacement can not be secured at a lesser cost than the substitute of other sources for oil.

It will be immediately recognized that such devices for price fixing would be uneconomic and work great injustice to the consumers.

Our second objection to curtailment by proration is that its present administration is dependent for its information upon the agents of those directly interested in production. If conservation means the invasion of the economic field and authorizing the fixing of prices, it must be conceded that the administration of such an uneconomic device, to say the very least, should be by those who are not interested in the abnormal maintenance of the price levels.

Oil proration in the name of conservation, as extended to the economic field, has resulted in the loss of untold millions to the State and in the payment of millions in higher prices by the consumers. It has stricken the oil industry as severely as the drought and low prices have stricken her twin sisters, industry and agriculture. By the arbitrary curtailment of production 25,000 workers are now out of employment and many independent refineries shut down or languishing along in a shut-down condition, laying off additional men. It has materially affected the producing companies from whom the independent refineries purchase their crude. By thus stifling the industry substantial royalties have been reduced to merely nominal amounts, and thousands of leases on farms paying \$160,000 annual rental have been canceled.

So severe has been the curtailment of production that the State gross production tax was decreased \$2,000,000 in 1929, making a State levy for 1931 unnecessary. Such have been the blasting and blighting effects on the industry under the administration of proration in the economic field. So ruinous and drastic have been the results that members of chambers of commerce and civic clubs have recorded their protests in resolution. The following is typical of many received:

Resolution

Whereas the honorable the Governor of the State of Oklahoma has requested the chambers of commerce of the State of Oklahoma to suggest remedies for the serious unemployment now existing in this State;

Whereas the local refining industry of this city is a source of much employment and business to Enid and northwestern Oklahoma;

Whereas the local refining industry of this section is threatened with shutdown of its activities on account of the proration orders now in effect in this State;

Whereas by the terms of the proration laws of the State of Oklahoma the governor is authorized to prevent the enforcement thereof by refusing to consent to the appointment of the proration agents: Now, therefore, be it

Resolved by the Enid Chamber of Commerce, That the honorable the Governor of the State of Oklahoma be, and is hereby, respectfully petitioned to use his executive authority to prevent the shutting in of the oil fields of this State, and in support of this petition the undersigned respectfully show—

That it is estimated that 25,000 oil-field workers of Oklahoma are now out of employment;

That much of this unemployment is caused by the proration orders now in effect;

That this serious condition of unemployment could be greatly alleviated if the wells in the fields of this State were allowed to open under a system of fair competition;

That in periods of depression, we believe it to be the duty of the public officials of the State to encourage the industries of the State to operate at their fullest possible capacity, and that any policy which prevents the oil fields and refineries of Oklahoma from so operating at their fullest possible capacity is detrimental to the interests of the people of Oklahoma;

That if the present proration orders are persisted in, a shutdown of the refineries in northwest Oklahoma is threatened;

That these refineries are all home-owned companies and are now loyally employing practically their full force with no reduction in salaries, although they are losing thousands of dollars each day on account of the proration orders; but that such situation can not continue unless relief is obtained from the artificial conditions now in effect.

Wherefore your petitioners respectfully request the honorable the Governor of the State of Oklahoma that, in the interests of employment and business throughout the State, he use his executive authority to prevent the further imposition of the said proration orders.

Adopted this 5th day of December, 1930, by the Chamber of Commerce of Enid, Okla., representing a membership of 600 business men.

CHAMBER OF COMMERCE OF ENID, OKLA.
By MILTON J. NEWMAN, Vice President.

Attest:

J. PAUL GLEASON, Secretary.

Nine-tenths of the petroleum production of the country is produced from land privately owned within the several

States. Over this production the Federal Government has no jurisdiction, unless it be shown that such production is shut in to control the supply entering and moving in interstate commerce, or the price of it in interstate commerce. Shut-in production for such a purpose is in violation of the antitrust act and subjects the perpetrator to criminal prosecution and punishment. Having been prosecuted and convicted by the Federal Government for such violations in several instances, the big companies have abandoned shut-in production for control by direct agreement and have become the enthusiastic proponents of shut-in production for control by proration in the name of conservation. In this way they avoid the penalties of the antitrust act.

Visualize the Standard, the Dutch Shell, the Gulf, and their subsidiaries all in mourning, shedding copious tears because of the threatened economic waste of oil in Oklahoma. The shock of such a spectacle would shatter the granite hills of Maine! They are not for proration for conservation in Venezuela. There they are for production to flood the market here with their cheaply produced supply. In Venezuela they have no competition, no independent producers and refiners with whom to compete and crush.

The Federal Government can neither prorate, curtail, nor prohibit waste in production on lands privately owned, except in the event of war. Its jurisdiction in peace time is over the public and Indian lands, and even in these instances it can not disturb vested rights. The policy of the Government, as imposed in the act of 1920, has been to encourage development. The Government leases expressly require it. And yet, without the authority of any congressional act, and being advised that the Federal Government was wholly without jurisdiction over the production of privately owned lands, the Federal Oil Conservation Board, in cooperation with the executives of the big companies, has continually insisted upon the injecting of its proration of unit production into the several States and stirring them to activity far beyond and in excess of their authority or jurisdiction.

Having failed of its purpose in the Colorado convention to secure the negotiation of treaties between the States, it next resorted to the appointment of the petroleum economic committee, assuming that the State's jurisdiction to prevent physical waste included economic waste as well; that is to say, that the State, in the exercise of its jurisdiction to prevent waste, could curtail production so as to minimize or prevent the surplus and thus artificially maintain the abnormal price for crude. Stripped naked of its camouflage, the assumption and exercise of such power is simply a price-fixing device instigated by the big producers. It means that they, behind the curtains, are arrogantly assuming, through their mannequins on the stage, the power to fix the price of crude, and thereby indirectly the price of its by-products, to the consuming public. The very effrontery of such an assumption is offensive to the intelligence of the people. For such committee through the commission to say when the market demand ends and a surplus begins, and when the price of oil is so low as to constitute waste, and that the people should not be permitted to advantage by reason of the low price—for such committee to say, "We represent the producers; we shall protect them as against low prices to the consumer which a surplus might impose"—for that is what it all amounts to—is far in excess of any jurisdiction ever authorized by the Constitution. Next to Will Rogers's comic weekly are the pretended findings of fact embodied in the generalities of the order for proration—just as though you could manufacture jurisdiction in the composition of a journal entry!

In the New York Times of November 23, 1930, F. Godber, a director of the Royal Dutch Shell Co., said:

Curtailment and low prices of crude oil are almost contradictory. The sacrifice of curtailment is only worth while if it can be compensated for by stable conditions and stable prices of crude oil, by which the producer is able to continue to live. If curtailment is not followed by rational prices of crude oil, it merely means that the producer has made a sacrifice in vain; and we shall be no nearer a solution of the problem than if we followed the simple law of supply and demand.

This frank statement is substantial proof that curtailment by proration or any other means is a useless sacrifice unless

it results in the stabilization of the prices of crude; and such purpose accounts for the enthusiastic support of curtailment by proration by the big companies. Such is the result of proration in Oklahoma, holding up the price of crude first to crush out independent refiners who must purchase the raw material, and second to afford such prices to themselves for their cheap production in foreign markets. They are not interested in saving oil or our national resources, but are interested in the exorbitant profits which unrestrained production would deny them.

If they could stop overproduction, they would increase the price of gasoline. It is the ever-present, menacing competition of the independent producers and refiners that keeps the price of gasoline within reasonable limits to the consumer. Becoming chary of the teeth in the antitrust act, the big companies use proration for monopoly and control. The Standard and other large companies are now under indictment in Rhode Island for attempting to destroy the business of a small competitor. Prosecutions against them are pending for holding up the price of gasoline in the State of Delaware. The Standard Oil Co., the Texas Co., and others were convicted in the United States District Court for the Northern District of Illinois in January, 1930, of having formed a conspiracy to hold up the price of gasoline in violation of the Federal antitrust law. The Supreme Court of the United States was not deceived by its philanthropic professions. Of it, the court said: "Availing itself of its monopoly of the means of transportation, the Standard Oil Co. refused, through its subordinates, to carry any oil unless the same was sold to it on terms more or less dictated by itself." In this way it made itself master of the fields without the necessity of owning them.

The encouragement and cooperation of the Federal Conservation Board and the petroleum economy committee, cooperating with the executives of the big companies, are largely responsible for the proration policy in Oklahoma today. In its report last spring the petroleum economic committee, appointed by the Secretary of the Interior, reported to the producers of Oklahoma "that the demands for crude oil during the last three-fourths of the year would be 2,495,000 barrels daily." The report also allocated the production to the various States, giving Oklahoma 650,000 barrels daily, California 610,000, Texas 750,000, and other States 489,000 barrels daily. Upon this report the corporation commission's first order was based allowing Oklahoma 650,000 barrels daily. Within 10 days after the order was issued, the purchasing companies decided that they would not purchase that much, so the order was reduced to 550,000 barrels. This is verified by Mr. Reeser, president of the Barnsdale Oil Co. and of the American Petroleum Institute. He testified that as president of the latter he contacted with the producers in all the fields. The question naturally arises: Upon what authority did the petroleum economic committee fix the amount of production for Oklahoma? Neither the State nor the Federal Governments authorized them or anyone else to make such allocation. By what authority did they fix the demand for crude at 2,495,000 barrels daily for the period stated? It is simply the high-handed projection of an unauthorized policy at the instigation of the big companies to control production and maintain their prices for crude, knowing that working under cover of cooperation for conservation, even though it is for monopoly and control, they will be less subject to successful prosecution under the antitrust act. Among the alleged grounds for proration is the lack of transportation, the pipe-line companies refusing to take the oil on the ground that their full capacity is necessary for their own production. It was disclosed in evidence taken that in a meeting with the state-wide purchasers at Tulsa, and after a consultation with their superiors in New York, they concluded to purchase only 1,301,000 barrels out of the Oklahoma City oil field; so that the oil industry of Oklahoma is now at the mercy of the purchasing companies—the big three—and their subsidiaries—the pipe-line companies—for transportation.

In furtherance of its efforts to project its policy of curtailment by proration, the Federal Oil Conservation Board in its report for February, 1929, said:

The acceptance of the principle of conservation as a practical policy by the foremost executives of the larger oil companies is a hopeful sign of the times! The closer contacts, both within the industry and between it and State and Federal officials, also promise gradual betterment of economic conditions. In short, more progress has been made than was expected.

The Oklahoma policy of proration is progressing more rapidly than was expected. The next move of the Federal Conservation Board is to exempt the oil companies from the Federal antitrust statutes. It adopted the report of its committee recommending, first, Federal legislation which shall (a) unequivocally declare that agreements for the cooperative development of operation of single wells are not in violation of the Federal antitrust act, and (b) permit, under suitable safeguards, the making, in times of overproduction, of agreements between oil producers for the curtailment of production. There you have a frank statement of the legislative policy of the conservation board, working in conjunction with the executives of the oil companies. The above declaration of policy is a confession that under existing law the cooperation now extended for crude control and price fixing is in violation of the antitrust act. And second, it is a "winking of the other eye" by a department of Government toward the violators of the law, cooperating in the execution of its policy.

In effect, the administration of proration begins in secret conference of the leading members of the industry. They style themselves the "proration committee," and determine the maximum amount of crude oil which they will allow to be produced from the State of Oklahoma. They then draw up a proposed order to be submitted to the corporation commission, which order is ratified by those members of the Mid-Continent Oil and Gas Association, who are always conveniently at hand for such purpose. A member of the association is then selected to present the proposed order to the corporation commission; and with but one or two exceptions the orders have been signed by the commission after only the pretense of a hearing. From time to time the orders are changed by the same procedure, but the orders are always based upon the theory that the production of crude oil must be curtailed to a certain agreed maximum. In plain English, this is price fixing.

The proration orders are then enforced by "operators' committees" consisting of paid members of the major companies and by two umpires, Ray M. Collins and Otto Bradford, who are paid by contributions from these companies. The salary of Collins is \$24,000 per year, and the expenses of Otto Bradford's office is \$36,000 per year. Regular State officials have no part in the enforcement of the orders. Thus, the major companies, fixing the amount of crude and having their own employees enforce the proration, are simply prorating themselves in whatever degree they think necessary to promote their interests and destroy competition. Through the corporation commission they are thus enabled to make and enforce the law of proration of production. Beginning with a slight proration in the Seminole field, the commission has gradually expanded its orders and increased the degree of curtailment until now the Oklahoma City field is prorated to less than 3 per cent of its potential capacity, and all other fields in the State with some minor exceptions have been prorated at least 50 per cent, with an additional prohibition against drilling wildcat wells unless they be shut in to 50 barrels per day.

That proration as administered is for the purpose of maintaining a higher price for crude than the normal price fixed by supply and demand is clearly shown in the testimony of Mr. Ray M. Collins, the State umpire: "In making up our orders," he said, "we did not take into consideration the welfare of the refiners. My policy has been to take care of the producers entirely. We are hired by them. That is what we are there for—to take care of the producer. We leave the consumer out. We do not take him into consideration. That part does not enter into it at all." Here is the servant carrying out his master's orders. They are for the producer only, without any regard for the consumer. They do not take the consumer into consideration.

With such knowledge of purpose and effect of administration, how can the corporation commission of the State of

Oklahoma permit itself to be made the agency for those who are thus unblushingly and flagrantly violating the Federal antitrust statutes in fixing a monopoly, exacting abnormal profits from the consuming public? It is clearly a case for the Department of Justice to investigate. Convictions on far less direct testimony are numerous.

Mr. Reeser, president of the Barnsdale Oil Co. and president of the American Petroleum Institute, with headquarters at New York City, when asked the question, "How do you make up your mind that there are only 550,000 barrels which can be demanded of Oklahoma?" answered: "The purchasing companies make up my mind. I do not make it up." Speaking of the various meetings of the various committees, he said:

We seem to have a practice which we observe very religiously of not discussing price structures in any way, shape, or form at any of these meetings. At the meetings we simply discuss the blanket proposition of overproduction, but as an executive I know that overproduction means distressed conditions and the distressed conditions mean ruinous prices.

And Collins, the State umpire, chips in:

An oversupply will reduce the price; that is the natural sequence.

H. H. Champlin, president of the Champlin Refining Co., of Enid, Okla., one of the leading independent producers and refiners of the State, gave full information to the Department of the Interior in the following letter:

OCTOBER 18, 1930.

The Hon. RAY LYMAN WILBUR,

Secretary of the Interior, Washington, D. C.

DEAR SIR: The letter addressed to you by H. R. McMillan, president of the California Oil and Gas Association, and quoted in the National Petroleum News of September 17, 1930, is of great interest to the independent refiners of the Mid-Continent field. The condition in California, as outlined in that letter, is clearly similar, both as to cause and effect, to the situation in the Mid-Continent field. Here, as there, the independent refiner is faced with an impossible condition.

On the one hand, the price of crude oil is being held to an artificially high level by the proration program, and, on the other hand, the retail price of gasoline, as set by the Standard Oil Co. of Indiana, is so low in relation thereto that it is impossible for the independent refiner to show a profit. In fact, it may safely be stated that practically every independent refiner in this State has run his plant at a loss for the past 12 months, even during the summer, which is the very season when he must expect to make sufficient profit to carry him through the slack months of the winter.

Although I can speak only for my own company, I am sure that our experience is typical. Our refinery is now suffering a huge loss each day on account of the high price which we must pay for crude oil. To meet this situation, we purchased and developed two excellent leases in the Oklahoma City field and built a pipe line from these leases to our refinery. Our total investment in this project is practically a million dollars. These leases will supply the crude-oil requirements of our refinery, and as we can produce oil therefrom at a cost much lower than the present market price of crude oil we would be able to operate our refinery at a profit if we were allowed to produce these wells. We are now ordered, however, to shut in these wells to 5½ per cent of their potential production, even though it is admitted that we can and will refine every barrel of crude oil from these wells; that we will store none of it; and that there will be no waste of any oil which we produce.

So long as we are denied the privilege of refining our own oil from these leases we will be forced either to operate at a loss or shut down our plants. The former alternative means self-destruction, and the latter would only add to and aggravate the business depression which this vicinity is suffering, together with the entire Nation. As a means of self-preservation, therefore, we have been forced to bring suit in the Federal court of this district to test the constitutionality of the artificial regulations which have been so warped as to undermine the business of the independent refiner. In so doing I wish earnestly to assure you that we do not have the slightest desire to attempt to thwart the purpose of the Federal Oil Conservation Board in insuring to the Government an adequate supply of petroleum for a future emergency.

The proration program, however, as practiced in Oklahoma, was not conceived, nor is it enforced, for the purpose of conserving petroleum for the future need of the Government. On the contrary, it is a trade regulation adopted by the dominant members of the oil industry for the purpose of upholding the price of crude oil, and so enforced as to favor the major companies at the expense of the local independents.

The entire proration program in Oklahoma is based upon the premise that the production from the State must be limited to the market demand. The fact which appears to have been overlooked in this connection is that the market demand at a high price will

be different from the market demand at a lower price. When the production is limited to the market demand, therefore, it is necessarily limited to the market demand at the present price.

Crude oil and gasoline can not claim any exception from the natural laws of supply and demand, and it must be conceded that where the supply is fixed by law at a figure which always approximates the present demand, the price is thereby "pegged" at the present price.

During the past quarter of a century the price trend of gasoline has been uniformly downward, principally on account of the ever-increasing demand therefor, caused by the ever-growing use of the automobile and airplane. Conversely the growth of the automotive industry, with its consequent effect on prosperity, must be attributed in large part to the presence of cheap fuel. Demand has increased by reason of the decreasing price, and price has, interdependently, decreased on account of the increasing demand. Is it wise, and has the Government the constitutional power, to say that this natural process must now cease?

It is not necessary to cite proof that the amount of production is the chief factor in setting the price of any commodity. The wheat markets of the world respond instantly to any change, or prospect of change, in the amount of production. Let the report appear that a large portion of the American crop has been destroyed by hail or storm, and the price immediately goes upward; let the report appear that Argentina is producing a bumper crop, and the price immediately goes down; and let the Government, by law, curtail the production of wheat to the present market demand, and the price will soar to new levels. The Government admits, however, that it can not reduce the production of wheat to present market demands. How, then, can it reduce the production of petroleum for the sole purpose of limiting it to present market demands?

If it be said that wheat is inexhaustible, whereas petroleum is exhaustible, and needs to be conserved, then I say that limiting supply to market demands has nothing to do with conservation. I thoroughly believe that the State can reduce the production of petroleum to 50 per cent, 10 per cent, or any fraction of its potential production, if the purpose thereof is for conservation, and if the reduction is made constant and applies equally to all persons at all times. But when a law is made for the purpose of limiting the supply to the market demand, then it is self-evident that such law is not conservation but price fixing.

To show more clearly that proration is price fixing in purpose and effect I desire to quote from the semimonthly bulletin prepared by Oil Statistic Co., of Babson Park, Mass., a disinterested service of expert opinion. The issue of August 10, 1929, before the proration program was well under way, contained this statement:

"Continued gains in production in the Mid-Continent territory are making it inevitable that the producers either come together on a proration agreement voluntarily or by order of the State, or take a price cut."

The issue of September 16, 1929, after the proration program had been commenced, contained the following statement:

"Based on the assumption that conservation and proration plans will be successful, thus preventing a cut in crude prices, we believe that from the viewpoint of the next 12 months prices are at or near a low point."

The recent issue of October 1, 1930, referring to the present situation in Oklahoma, states:

"The forthcoming decision of the Oklahoma Supreme Court on the constitutionality of the Oklahoma conservation law continues of paramount importance. If it is favorable to the State, crude oil prices should remain at present levels or decline but slightly. Continued curtailment of gasoline production is causing rapid improvement in the gasoline supply and demand situation, and, if present trends continue, higher refinery prices are inevitable. If crude prices remain firm, the cutting of tank-wagon prices, except in a few territories, to meet existing reduction, is over, and the next move will be upward."

When our case was filed in the Federal court the Daily Oklahoman of September 18, 1930, reported it as—

"Oklahoma's fight to bolster up a sagging crude market."

And when our preliminary injunction was denied, the same paper in its issue of October 5, 1930, in large headlines declared:

"Rumors of oil price cut dismissed as proration situation cleared by court action."

These reports merely go to show that the man on the street as well as the technical expert is not fooled as to the real nature of the proration law; he knows that its principal, if not its sole, purpose is to fix the price of crude petroleum.

The futility of government price fixing has been learned by bitter experience by every nation from antiquity to the recent experiences of Great Britain in attempting to curtail the production of rubber, and Brazil in attempting to limit the production of coffee. Even the Standard Oil Co., in its official organ, The Lamp, admits:

"But by virtue of its activities as a merchant this company is keenly aware of the unescapable fact that the prevailing price of a barrel of crude can not be for any considerable period more than the total realization from the sale of the products obtained therefrom."

The wisdom of our constitutional fathers in making it unlawful for the Government to regulate private industry by limiting production and fixing prices is attested by the experience of all nations. Why, then, should the Government countenance this thinly disguised attempt to regulate the price of petroleum?

It is sometimes said that if production in excess of present demand is allowed, the producers who can not market their output

will put it in earthen storage or even run it into the creeks. The answer to this far-fetched contention is that the State is fully empowered to prevent any producer from putting any oil into earthen storage or from allowing it to flow onto the ground. A blanket rule against such practices could easily be enacted in the interest of true conservation and should be rigidly enforced against those who violate it. Indeed, the State could prohibit the storage of crude oil in steel tankage beyond limited amounts. But when a producer does not intend to store any oil and will not in any conceivable manner waste any portion, it is unjust and unconstitutional to punish him because the other operators could not produce without waste.

If it be said that such a company would obtain more than its share the answer is, that if any person displays the enterprise and takes the financial risk of building a pipe line to his wells, he is entitled to any advantage that his enterprise and investment may bring him, and the public is entitled to the cheaper products which will result if such producer is allowed to reap the rewards of individual enterprise. The courts have always held that petroleum is not property until it is reduced to possession, and have always upheld the right of any producer to shoot or pump his wells, and thereby increase their production, even though it may mean that a less ingenious competitor will be drained of his oil in whole or in part. Another factor which must be borne in mind with regard to Oklahoma, is that the laws of the State require every pipe line and every purchaser to transport and purchase from all producers ratably with the oil transported from their own leases. These laws give ample protection from drainage to every producer in every field.

It is sometimes contended that the proration program is needed to prevent "economic" waste, even though, as in our case, there is no physical waste. This term "economic" waste is extremely ambiguous, but it has been defined by the proponents of the proration scheme as the drilling of more wells than is necessary to produce the maximum amount of oil. It conceded has nothing to do with conserving oil for future generations. It merely means that the maximum quantity of oil is not being produced as "economically" as might be. In other words, it describes not a waste of oil, but a waste of money. This is entirely outside of the province of government to regulate. It has no more authority to fasten rules on the petroleum industry to enforce economical management than it would have to limit the number of grocery stores or dry goods merchants in a community, on the grounds that the distribution of merchandise was involving "economic waste."

Unfortunately, the major companies have seized upon the opportunity presented to them to further their economic domination of the industry. The very orders which put the proration program into effect were drafted in the offices of the major companies and were signed by the corporation commission of this State after only a pretense of a judicial hearing. The agents of the commission, who are given the authority to enforce the orders of the commission, and, indeed, to modify those orders at pleasure upon "approval" by the commission, are not governmental officers but are paid employees of the major companies. We are, therefore, placed in the position of having our business regulated to our detriment by a committee of our competitors whose interests are adverse to ours.

That the financial interests of the major companies are adverse to those of the independents on the question of proration is unquestioned. The larger companies, or their subsidiaries, produce from their own wells sufficient crude oil to supply the requirements of their refineries and have a surplus to sell to the smaller companies. This crude oil is produced at a cost of about half the present market price. The larger companies can, therefore, operate their refineries on crude oil which costs them only a fraction of the cost which they charge the independents for the same raw product. It is naturally to the interest of the major companies to maintain an artificially high price for crude oil, although such price, coupled with the low retail price for gasoline, as set by the Standard Oil Co. of Indiana, is rapidly demoralizing the business of the independents.

To further show the inequalities of proration, the major companies or their subsidiaries import large quantities of cheap foreign petroleum and its refined products and market them in this country, reaping huge profits therefrom; and at the very time that they are enforcing the proration orders against the small producer to diminish or to extinguish his domestic production they are continuing at an unslackened rate to flood the country with foreign oils.

As a regulation to uphold prices the proration orders are indefensible. The theory that the Government has the authority to regulate the prices has been long ago rejected, and the wisdom thereof is well confirmed by the prosperity which private initiative has brought to the country. We can only say that the proration program in Oklahoma is un-American in its conception and unfair in its enforcement.

Far from being a real conservation measure, these proration orders induce a waste of petroleum. The constant pinching in and reopening of the wells are ruinous to full production, and I am confident that any competent engineer will state that the Oklahoma City field will not produce as much petroleum under present regulations as it would were a normal development allowed.

If real conservation is desired, it may be easily obtained. We have in Oklahoma, for instance, a law which provides that no gas well may be produced at a greater rate than 25 per cent of its open flow. The purpose of this law is, honestly and

frankly, to conserve the supply of gas to the State. It is enforced by State officials and not by the employees of the oil companies. It is enforced equally against all fields and all producers. It is constant and not subject to change at a moment's notice by committees of the operators for price-fixing purposes. The same kind of law can be applied to oil if real conservation is needed.

Let me again assure you that any such regulation which is fairly formulated and fairly administered in the interest of conservation will receive our hearty cooperation. May I also invite you to make a thorough investigation of the conditions as they actually exist in the mid-continent field in order that you may determine for yourself whether the proration program in Oklahoma is being carried out in the interest of conservation or price fixing. May I further ask, whereas your office has caused relief to be given to the California operators, that you may, if possible, also interpose in behalf of the independent operators of the mid-continent field?

Very truly yours,

H. H. CHAMPLIN.

In reply to this the Secretary of the Interior gave assurance of careful consideration in the following letter:

OCTOBER 21, 1930.

MY DEAR MR. CHAMPLIN: Thank you for your letter of October 18. It will be given careful consideration.

Sincerely yours,

RAY LYMAN WILBUR.

The Department of Justice was fully informed, as shown by the following letter:

OCTOBER 31, 1930.

The Hon. WILLIAM DEWITT MITCHELL,
Attorney General, Washington, D. C.

DEAR SIR: We desire to call the attention of your office to the oil proration program in Oklahoma, and we earnestly request that you investigate this program. We are of the sincere belief that the proration plan is violative of the Federal antitrust laws, and we are certain that its effect is to further the interests of the dominant companies of the oil industry at the expense of the consuming public and at the well-nigh ruin of the smaller refiners.

The program has been put into effect in somewhat the following manner: The leading members of the industry meet in conference—styling themselves "the proration committee"—and determine upon the maximum amount of crude oil which they will allow to be produced from the State of Oklahoma. They then draw up a proposed order to be submitted to the corporation commission, which order is ratified by those members of the Mid-Continent Oil and Gas Association who desire to attend the meeting held for that purpose. A member of the association is then picked to present the proposed order to the corporation commission, and the order is rubber-stamped by the commission after only a pretense of a hearing. From time to time the orders are modified by the same procedure, but always are the orders based upon the theory that production of crude oil must be curtailed to a certain agreed maximum.

A great deal of opposition has developed among the smaller producers and an extensive hearing was held by the commission upon the latest proposed order, their decision not yet having been announced. Up to this order, however, the hearings have been perfunctory, to say the least, and the corporation commission is now bound by its actions in the past to maintain the proration program, regardless of the character of the evidence introduced at this latest hearing.

The proration orders are enforced by "operators' committees," consisting of paid employees of the major companies, and by two umpires who are paid by contributions from said companies. Regular State officials have no part in the enforcement of the orders.

The effect of the orders has been to maintain an artificially high price for crude oil. During the past 18 months the price for the best crude oil has been approximately \$1.57 a barrel, whereas the actual value thereof—the cost of production, including all investment costs—has been about 75 cents a barrel. The price of the refined product—gasoline—as set by the Standard Oil Co. of Indiana during this period has been lower than the sum of the artificially fixed price plus the cost of refining.

The importance of these figures can easily be understood when it is remembered that the larger companies are what may be termed "producing refiners"; that is, they produce all of the crude oil which they can refine and maybe a surplus to sell. The smaller refiners are what may be termed "buying refiners"; that is, they produce only a portion, if any, of their crude-oil requirements and are forced to buy largely from the major companies.

Owing to this condition the artificial-price schedules, which have been maintained as above described, mean that the dominant members of the industry have been able to refine their own crude oil which costs them only 75 cents a barrel; whereas the smaller refiners have been forced to pay \$1.57 for their crude supply. The Standard Oil Co. has then set the price of gasoline at such a figure that the smaller refiners have lost money on every barrel of gasoline sold by them for more than a year.

Recent cuts in the price of crude oil have given some relief to the smaller companies, but the price does not yet approximate the actual value thereof. These cuts also go to show that artificial price levels—even though they be supported by governmental au-

thority—can not withstand the natural processes of the law of supply and demand. Perhaps the oil industry has yet to learn the lesson which Brazil and the British Empire learned when they attempted to fix the price of coffee and rubber, only to have the prices drop to even lower levels than they would have had there been no artificial attempt at maintaining prices.

To show this by disinterested opinion we quote from the semi-monthly bulletin for October 16, 1930, of the Oil Statistics Co., of Babson Park, Mass.:

"As to the question of supply and demand, assuming this competition between neighbors is a pool removed, we have not been sure and are not now sure that the price of crude oil is down where it belongs. This thought has been expressed in our bulletins a number of times. There is so much oil in sight in parts of the mid-continent, especially in Texas, to-day, crude oil is available and being purchased at prices 20 to 30 cents a barrel under the schedule posted by the major companies. Buyers of this crude are in a position to retail gasoline at lower prices than those companies paying the higher schedules. It is this factor that is partially responsible for the recent weakness in gasoline prices. There has been for some time too much of an incentive to wildcat and exploit territories promising flush production at low cost."

The evil of overproduction is aggravated rather than helped by this artificial price level, for it has encouraged the drilling of hundreds of wells which would not have been drilled had the price been left to decline normally so as to equal the real value of the crude oil.

The effect of the proration orders is to fix prices in favor of the dominant members of the industry, and such was its deliberate purpose. We quote from the December 21, 1927, issue of the Oil and Gas Journal:

"On November 15, 1926, the total production of oil in the United States was 2,348,676 barrels, valued at \$4,278,095. (About \$1.80 per barrel.)

"Six months later, April 15, 1927, the total production was 2,349,228 barrels, worth only \$2,926,060. (About \$1.20 per barrel.)

"This was a loss to the industry on the larger production of approximately \$1,350,000 a day. Between December 1 and April 15 the loss of revenue on refined petroleum products was more than \$2,000,000.

"That was the situation which led the Oil and Gas Journal on April 28, in urging cooperation within the industry to correct it, to declare that 'the canker at the heart of the oil industry is excessive competition, due largely to overproduction.'

To use plainer language, the declining price of crude oil gave rise to the proration program, and not any desire to conserve the oil resources of the State.

We are inclosing herewith a letter to the Secretary of the Interior which shows more fully the price-fixing effect of the proration orders.

It is our belief that the program of these proration "racketeers" comprises one of the most gigantic conspiracies to violate the antitrust laws which has been committed in years, and that it means the virtual annihilation of individual initiative of the oil industry.

Those who believe that this opportunity for despotism which is so freely being handed to the dominant members of the industry will be used unselfishly for the benefit of the general public are indeed blind to the lessons of the past.

Very truly yours,

H. H. CHAMPLIN.

Reflecting the opposition to the proration policy of curtailment of production for price stabilization is the following editorial published by the Enid Morning News, one of the leading daily papers of the State:

PRORATION, UNEMPLOYMENT, AND FARM INCOME

Even though there were no other argument against the proration policy now in effect in Oklahoma and more or less in other producing centers, the fact that it means either present or eventual unemployment for thousands, and the loss of hundreds of thousands, if not tens of millions, of dollars to farmers and other royalty owners, should be enough to condemn it as an outrageous injustice.

When a so-called conservation policy means the prohibition of wildcatting, of the drilling of new wells, it naturally throws thousands of oil-field workers of all types out of employment. It means delaying the potential income from oil-producing acres, and keeping this income from the farmer, the leaseholder, and the royalty owner. It means a reduction of business in all lines in every producing or refining area where the independent or small operator or refiner has heretofore been active.

Moreover, by reducing the output of crude oil, proration reduces the possible income of the farmer, whom heaven only knows to-day needs every cent that he can possibly procure.

Proration is a very definite effort at price fixing. There is no other possible, reasonable, or honest explanation of it. It is a definite attempt to set economic laws at naught; and to enable the most powerful interests to gain a stranglehold on production, refining, and eventually retail sales. That means control of retail prices in a near monopoly by a supergroup which would then have the public at its mercy.

The independent refiners who are fighting proration are fighting for a principle, of course. More, they are fighting for their business lives. And their continued existence is the only assurance

the consumer has of continuing fair prices for gasoline and other oil products. Once they are crushed there will be nothing in the way of adequate competition to guarantee either fair prices, high-quality products, or fair treatment from the group of monster oil companies, operating on an international basis, and who could, and doubtless would, put cheaply produced and cheaply refined foreign oils into the American market at the expense of the jobs of American oil workers, American landowners, American royalty holders, and possibly then at a price out of reason as compared to the competitive prices which may be expected to be maintained with the many smaller independent refiners now operating, but all of whom are sorely pressed, and likely to be forced to shut down operations even if they are not crushed to the wall financially.

Proration is not a conservation policy, in any practical sense. It is not a policy that will stand the light of sound economic reasoning. And at the present time, with the imperative need for maintaining employment, and royalty returns at their maximum, it is not defensible on any grounds. Especially is it indefensible when applied to those producers who have refining facilities great enough to care for the oil produced in their own wells, and who have a market for their refined products.

In a recent issue of the Tulsa World, one of the leading papers of the State, published at Tulsa, the oil capital of the world, appears the following editorial in opposition to the invocation of the police power of the State to solve a great economic problem now confronting the oil industry:

STATE CONTROL OF BUSINESS

Developments in several cases between the State and oil companies bring out in a striking way the evil possibilities of State control of business. There are many chances, under such policies, for specific and general wrongs.

The Oklahoma Corporation Commission, under the general theory of conservation, is asserting large police powers and these powers are applied to persons, firms, corporations, or sections. It is easy to see that the mixture of arbitrary police power and economic pressure, over which the State has little control, can quickly bring disaster. Under such circumstances the real or assumed police power of the State becomes a matter of life or death to some, while the general situation may not be affected.

In other words, does not extreme police power or the position of umpire as between business, put a State board or official in control of the business of certain people? The abuse of police power can become very serious. The limitations upon such power, once recognized, are hard to define and limit. This is not a situation affecting the oil business alone.

If the corporation commission or other State agency can summarily take charge of the business of an oil company or a cotton-gin company or an ice industry and base radical actions upon police power, what business or pursuit is exempt from the operations of police power? What assurance has a victim that the application is general? The alleged police power may be based in conservation or public policy, but there are apparently too slight limitations and prohibitions.

It is not possible that the summary police power of a State in business can solve a great economic problem like the oil crisis or the cotton slump. The idea back of police power is protection of the public in emergencies and dangers. Projection into business is something that has been read into our law and practiced.

The incursions of government into the realm of business have been strident, and it is time for Oklahoma to inquire at least into the applications of State control in business. It should be necessary to show that State control is necessary to public welfare and not an exercise of power simply as power. The police power of the State does not naturally apply to orderly, lawful business.

Upon request for his opinion relative to the results of the proration policy administered in Oklahoma in the name of conservation, Mr. Champlin summarizes his objections and his opposition to the policy in a letter of December 10, 1930, as follows:

Hon. M. C. GARBER,

House of Representatives, Washington, D. C.

DEAR JUDGE GARBER: Replying to your inquiry, will say I have always been strongly against compulsory proration as an unwarranted attempt at dictation on the part of the big companies, which will ultimately react disastrously on the entire industry.

My opposition to compulsory proration may be summed up as follows:

As a citizen of the State of Oklahoma, I am opposed to proration, for the reason that it is throwing thousands of laborers out of employment and causing the shutdown of hundreds of wells and many refineries. A period of depression is no time for the curtailment of the industries and natural resources of the State. At such time it is the duty of public officials to encourage our factories, our mines, and our wells to run at as great capacity as possible, but in Oklahoma we are witnessing the astounding spectacle of our own corporation commission—at the request of the eastern and foreign controlled oil companies—shutting in the oil resources of this State to provide a market for 300,000 barrels daily of imported oil, which is produced and refined in foreign countries by foreign labor.

As an independent producer and refiner, I am opposed to the proration program for the reason that it fastens the yoke of monopoly on the oil fields and refineries of Oklahoma. The major companies are now using this monopoly to stunt the independent

industry of the State by refusing to allow the independent to produce his own wells and forcing him to buy his crude oil from them at prices which they have so fixed to be ruinous to his business.

If Oklahoma is to grow and prosper, it must refine more and more of its own oil. At present the State refines only one barrel out of every three produced here. The proration program does nothing more or less than throw the oil industry of the State into the hands of those who have no interest in the progress of the State of Oklahoma and who will see to it that the fruits of our oil resources go to States and foreign countries beyond our boundaries.

As a member of the oil industry I am opposed to compulsory proration for the reason that it is bad economics. For a commodity of common world-wide use it is just as impossible to hold prices to an artificially high level as it would be to stop the flow of the Mississippi River. If the oil resources of the Nation are becoming more plentiful, the oil industry must adjust itself to these natural resources, as it is certain that nature can not be adjusted to the industry. Billions of barrels of valuable crude oil can not be held back by the artificial barriers of law only, and it is safe to say that so long as such plentiful resources exist the people of the United States will demand and will have as free and as full use of petroleum products, at as cheap a price as the natural supply warrants. Price-fixing by the curtailment of production of a world-wide commodity has always resulted in failure.

England attempted to restrict the production of rubber, only to find that even the British Empire was not big enough to defeat the natural laws of supply and demand, and the prices of rubber descended to even lower levels than it would have had not restrictive measures been attempted.

Brazil attempted to curtail the production of coffee in an effort to maintain high price, but the prices dropped to lower levels than ever before, and the Government which attempted to fix the prices found itself deposed by a revolution caused by dissatisfaction with its unbalanced economic policy. Proration will also be a failure in Oklahoma. It has already thrown thousands of workmen out of employment and sacrificed the local refining industry, and it will ultimately react in extremely low prices to the detriment of the other companies which have assumed control of the Oklahoma oil fields.

Very truly yours,

H. H. CHAMPLIN.

In order to fully appreciate the ever-increasing intensity of the grip and control of the major oil companies in this apparently innocent scheme of proration, it should ever be remembered that the proration committee is composed of the representatives of the major companies. They determine the market demand and the market price, which is a determination of what shall be paid for crude—the price to be paid by their competitor refineries which must purchase production. This indirectly is a determination in a large measure of what the public shall pay for gas, oil, and by-products of oil. Having determined this economic question in favor of themselves and against their competitors, they next determine the degree of curtailment necessary to exact the purchase price which they have previously determined from the consumers.

Their control, however, does not stop with these determinations. It extends through their administration. Under the proration order of the commission No. 5369, issued on the 10th day of October, 1930, the umpire and operators' committee "are instructed to compute from time to time the rate of curtailment necessary in order to conform the permitted production to the reasonable market demand, and report the same to the commission with the facts in support thereof, as a basis for ancillary orders."

Fix these facts in your mind: The umpire of the Oklahoma City field is Otto B. Bradford, whose office expense is \$36,000, paid by the oil companies, and Ray M. Collins, whose salary, likewise paid by the companies, is \$24,000. And who are the members of the operators' committee, which determines from time to time what the market demand is? In the Oklahoma City field, they are as follows: J. S. Sidwell, an employee and agent of the Prairie Oil & Gas Co., a subsidiary of the Standard; M. J. Kirwan, an employee and agent of the Indian Territory Oil Co., one of the largest in the Oklahoma City field; Glen Harroun, an employee and agent of the Sinclair Oil & Gas Co.; R. B. Roark, an employee and agent of the Shell Petroleum Corporation; J. J. Conry, an employee and agent of the Carter Oil Co. Who compose the operators' committee determining the market demand in the next largest pool in Oklahoma—the Seminole? R. F. McArthur, an employee and agent of the Barnsdale Refineries (Inc.); Kenneth Winship, an employee and agent of the Gypsy Oil Co.; and L. C.

Hawkins, an employee and agent of the Magnolia Petroleum Co.

Thus we see the proration committee, composed of the representatives of all the major oil companies, determining the market demand and fixing the price in the first instance as well as the quantity from each pool and in the State. Then the operators' committee, composed of one representative from each of these companies, administers the determination made in the first instance and checks and rechecks from time to time to see that there is no unnecessary production which might disturb and unsettle the price. The companies named, with their affiliations, control the oil business of the United States and of the world. The Dutch Shell and the Standard Oil Co. of Indiana and New Jersey being the principal importers of cheap crude and refined oils into the United States in competition with oil produced in the United States, and being the companies chiefly interested in maintaining the high price level for the oil in the Oklahoma fields, compose the sinister group behind the curtains who are pulling the strings to produce this comedy of "proration by conservation," when in fact they are maintaining the high price level for their crude in stock, amounting to 685,000,000 barrels, and their flood of cheap oil from foreign countries as against the public interest.

Such is the ever-tightening control of the octopus of oil. It is the same with "proration for conservation" in California. The big companies are prorating themselves to maintain their price levels there. In the *New York Times* for December 17, we read:

The general operators' committee of California voted yesterday to reduce the allowable crude-oil production in the State from 540,000 barrels daily to 500,000 barrels, effective January 1, while the actual production of the State is 600,000 barrels daily.

There the proration committee and the operators' committee, as in Oklahoma, is composed of the representatives of the companies determining the market demand, the market price, and the quantity of production. George L. Jones, president of the Shell Oil Co. and director and member of the executive committee of the Shell Union Oil Corporation, is credited with having made the following statement during an interview on December 17, just before he sailed for Europe aboard the *Mauretania*:

Conservation and curtailment of petroleum production, although it can not be dictated by law, is a necessity dictated by sound economic reasoning. Producers, large and small, are beginning to realize that it is the only means that can possibly establish the industry on a sound economic basis, and more and more are accepting the principle. Prices are about as low as they can go, and any change would be for the better.

And as he retired to his stateroom and closed the door, the reporter might have added, the president of the Shell Oil Co. laughed long and loud in his sleeve.

And the same unyielding grip of control by the same companies extends to the State of Texas. These three—Oklahoma, California, and Texas—are the big oil-producing States of the Union, producing from 75 to 80 per cent of the country's total output.

Is it not a cunningly contrived and effective monopoly of control—so brazen, so bold, so complete as never before? And the tragedy of it all is that it is being carried on in the name of conservation, in the execution of a policy determined without authority and warrant of congressional act, by a department of the Federal Government. Furthermore, the recommendation of a subcommittee of the Federal Conservation Board that cooperative agreements to curtail production for conservation be exempt from prosecution under the Sherman Antitrust Act is evidence that the perpetrators are aware, at least to some degree, of the illegality of their present acts and desire to safeguard and protect themselves from future prosecution.

The following summation was made by the Hon. B. M. Parmenter, a former Assistant Attorney General of the United States under the Coolidge administration and a leading member of the Oklahoma bar, representing the independent producers and refiners. This statement, based absolutely upon undisputed evidence, should be sufficient to electrify the Nation into a realization of the enormous

scope and grip of the conspiracy to determine and fix prices in flagrant violation of the Sherman Antitrust Act. Mr. Parmenter said:

We have here a scheme, world-wide, with a committee with a high-sounding name appointed by the Secretary of the Interior; that committee finding that 650,000 barrels was the amount to be allocated to the State of Oklahoma. Then we have the proration committee, dominated by fabulously rich oil producers, attempting to split up and divide the oil produced in Oklahoma so as to bring it within the 5,550,000-barrel limitation, and then the corporation commission appoints these various umpires, that producing interested companies pay them munificent salaries, and then working together and bringing their influence to bear upon the corporation commission; they work exclusively for the oil producer, leaving out of all consideration the welfare of the royalty owner, the refiner, the laborer in the field, the consuming public, and the distributor of the refined product.

This is probably the only instance in the history of this Nation where a tremendous combination, nation-wide in its scope and interference, has attempted to throttle and strangle a great industry that contributes so much to the comfort, convenience, and cheap method of travel of 122,000,000 of people. Those who survive the strangulation period will be those who have sufficient money to carry them through the war and thereafter buy up the property of the ruined and less wealthy operator. People with millions of dollars invested are denied the right to operate their own property. Oil producers and refiners are thus being ruined in Oklahoma. The so-called purchasing and pipe-line companies are importing vast quantities of crude and refined oil from foreign countries, keeping idle our own labor and capital. A recent report in the newspapers reports the State auditor of Oklahoma as showing a slump of \$875,000 in gross production tax collection for the month of November of this year, as compared with November of last year. This, if it continues, will place a heavier ad valorem tax upon other property owners. Proration is trying to do what has been so improvidently undertaken many times before—to nullify the law of supply and demand. While wheat, cotton, livestock, and labor are painfully suffering from overproduction and falling price, the millionaire oil operator is the only one that is receiving governmental aid in an effort to reduce overproduction. For them, and them only, is there governmental effort being made to protect them from falling prices—a condition that is world-wide.

The ever-increasing importations of cheap oil from foreign countries, unchecked and unrestrained by duty or agreement, but emphasizes the injustice and discriminations against our home industries; and those discriminations, in their effective ramifications, have discharged thousands of employees and canceled thousands of leases paying an annual aggregate rental of \$160 per farm to the farmers. As rapidly as we empty our tanks and shut in our production, the supply displacement is filled up with the cheap oils produced in foreign countries.

During the year 1930 curtailment will have reduced production in the States of California and Oklahoma alone 104,000,000 barrels—36,410,000 barrels in the State of Oklahoma, at a total estimated value at \$42,000,000, resulting in a loss to the State of that enormous amount during this period of depression. Our imports from Venezuela, Colombia, and Mexico of crude and refined oils and the refined products from the refineries in those countries and on the islands of Curacao and Aruba will exceed 100,000,000 barrels, filling up the tanks we emptied by curtailment—this to afford a market for the cheap oils produced by the big companies in those foreign countries at the expense of our own producers, and giving employment to labor there while unemployment is constantly growing among our own oil workers. Could anything be more inconsistent?

The following from the Daily Oklahoman, issue of November 14, 1930, supplies the figures showing the effect of curtailment and no tariff upon the industry in the States of Oklahoma and Kansas:

[From the Daily Oklahoman, November 14, 1930]

OKLAHOMA AND KANSAS LOSE MARKETS TO FOREIGN CRUDE—THESE TWO STATES ALSO BEARING BRUNT OF CURTAILMENT OF PRODUCTION

"The mid-continent—and especially Oklahoma and Kansas—is slowly losing its market to duty-free crude oil and gasoline, largely from Venezuela, Colombia, and Mexico," writes Charles G. Bowles in the Independent Petroleum Association Bulletin for November.

"A most serious economic problem, therefore, faces the mid-continent, production in the three largest States industry's total of \$12,000,000,000 worth of assets are found," he continues.

"In the first seven months of 1930 imports of crude oil totaled 42,066,000 barrels and refined products 29,957,000 barrels. This is an average of 173,000 barrels of crude oil and 123,000 barrels a day of refined products, a total of 296,000 barrels a day."

OKLAHOMA BEARS BRUNT

Touching on the curtailment of production, Bowles points out that Oklahoma with a potential of 3,000,000 barrels a day is bearing the brunt of such a shutdown. The following table is given to show the total production and changes for the first eight months of 1930 as compared to the same period of 1929 of the five States comprising the mid-continent:

State	1929	1930
Oklahoma	173,277,000	151,720,000
Texas	194,781,000	200,537,000
Kansas	28,258,000	28,284,000
Arkansas	17,394,000	13,392,000
Louisiana	13,338,000	14,901,000

"While the fields of west Texas have an estimated potential of several million barrels a day, the fact remains that Oklahoma operators reduced their production of crude oil over 21,000,000 barrels" the article says. "Kansas production was almost exactly the same as last year. Of the two Gulf States, Texas showed an increase of 5,756,000 barrels, and Louisiana 1,563,000 barrels.

"The relationship between crude production, refinery runs, and gasoline production in the three largest States in the mid-continent is shown by the following figures for the first eight months of 1930:

"Production: Oklahoma, 151,720,000; Texas, 200,537,000; Kansas, 28,284,000.

"Refinery runs: Oklahoma, 52,740,000; Texas, 147,131,000; Kansas, 23,930,000.

"Gasoline made: Oklahoma, 29,414,000; Texas, 68,172,000; Kansas, 13,215,000.

"Gasoline consumed: Oklahoma, 5,250,000; Texas, 12,900,000; Kansas, 6,600,000.

STATE GREATEST PRODUCER

"The State of Oklahoma is the greatest producer of high-gravity crude oil in the world—and yet it is in about the least strategic position from a competitive standpoint. For instance, in the first eight months of this year, out of every 3 barrels of crude oil produced in Oklahoma 1 barrel was run to stills and 2 barrels either stored or pipe-lined out of the State. And out of every 6 barrels of gasoline made 1 barrel was consumed in the State and 5 were shipped out.

"Compare these figures with Texas and you will find that of every 10 barrels of crude oil produced 7 were run to Texas refineries and 3 shipped out. And out of every 5 gallons of gasoline made 1 was used in Texas and 4 shipped out.

"In Kansas we find the following situation: Out of every 6 barrels of crude oil produced 5 barrels went through Kansas refineries and 1 was shipped out. And out of every 2 barrels of gasoline made 1 was consumed in Kansas and 1 was shipped out.

CRUDE-GASOLINE SITUATION

"It seems to be pretty generally understood that both heavy 'accumulated' stocks and large 'current' surpluses are dangerous things in that they hold down the general price structure. From this angle, then, let us see what happened to both the crude-oil situation and the gasoline situation in these three States during the first eight months of 1930.

"The surplus above State consumption in these three States was as follows, in barrels:

State	Crude	Gasoline
Oklahoma	98,980,000	24,164,000
Texas	53,406,000	55,272,000
Kansas	4,354,000	6,615,000

"In the last analysis the big problem facing the oil industry in every State is, How much crude oil is left over after the refineries have used all they want; how much gasoline is left over after the people have bought all they want; and how can these surpluses be shipped to 'outside' markets and sold at a profit?

"The great bulk of Texas's surplus of both crude oil and gasoline normally goes south to tidewater and by tanker to the Atlantic seaboard and to the markets of the world.

"The great bulk of Oklahoma's and Kansas's surplus of both crude oil and gasoline normally goes to the North and Northeast.

"The 'absorbing power' of the market facing the Gulf coast is much greater than the absorbing power of the market facing the north boundary of the mid-continent.

"But while little foreign crude oil or gasoline is unloaded on the Gulf coast, large quantities of both are unloaded along the Atlantic seaboard. Admittedly, this foreign crude oil laid down on the Atlantic seaboard costs the refiners less per barrel than oil from Oklahoma and Kansas. And, obviously, gasoline made in Atlantic seaboard refineries from this imported crude oil costs less per gallon than the gasoline made from crude oil from the mid-continent—and especially from Oklahoma and Kansas. And, obviously, gasoline made from Venezuelan crude in the giant refineries on the islands of Curacao and Aruba and tankered to points along the Atlantic seaboard costs less than gasoline made from crude oil from the mid-continent, and especially from Oklahoma and Kansas."

Cost of delivering Venezuela oil to Atlantic seaports

Cost of production at wellhead	\$0.18
Transportation to terminal point	.22
Transportation from terminal point to Atlantic seaports	.35
Total cost, delivery of Venezuela oil to Atlantic seaports	.75

Authority, United States Bureau of Mines Bulletin 224, page 136, from a study of 4,497 wells on 57 properties in 10 most representative States of the industry.

Authority, United States Bureau of Mines Bulletin 224, page 137.

Authority, American Petroleum Institute Facts and Figures, 1929, page 93.

Authority, Office of Commercial Attaché, United States Department of Commerce, Caracas, Venezuela.

Crude oil in 1929

Country	Imports from—	Exports to—
Venezuela	34,431,000	-----
Dutch West Indies	16,223,000	-----
Mexico	12,663,000	211,000
Colombia	12,620,000	-----
Peru	1,454,000	-----
Ecuador	1,279,000	-----
Trinidad	213,000	-----
Canada	22,412,000	-----
Japan	2,476,000	-----
Cuba	701,000	-----
Spain	148,000	-----
Argentina	101,000	-----
United Kingdom	92,000	-----
All other	49,000	253,000
Total	78,932,000	26,394,000

From the foregoing you will note that Venezuela, the Dutch West Indies (really Venezuela, as the two small islands are merely transfer points for Venezuelan oil), Mexico, and Colombia furnished over 96 per cent of the crude oil imported into the United States.

The following table, while incomplete, for the year 1929 shows that while the exports of the several items total \$1,725,000,000 and the imports of the same items total only \$172,000,000 there is an adequate tariff on every item in the list, showing that because we export 26,394,000 barrels of crude, mainly to Canada and Japan, yet such does not constitute any valid reason why a tariff should not be placed upon oil and its by-products.

Incomplete list of miscellaneous products of which we exported more than we imported in the calendar year 1929 and which were dutiable under the tariff law. Data compiled from reports of United States Bureau of Foreign and Domestic Commerce:

Product	Imports	Exports
Iron and steel, semimanufactured	\$11,003,000	\$104,148,000
Steel-mill products (99 per cent) ¹	18,173,000	96,048,000
Iron, steel, advanced manufacture	8,988,000	87,003,000
Electrical machinery: Apparatus	2,664,000	121,365,000
Industrial machinery, office appliances and printing machinery	24,838,000	350,569,000
Automobiles and other vehicles	5,151,000	588,023,000
Animal oils and fats, edible	170,000	117,714,000
Cotton, manufactured	63,454,000	111,216,000
Wood, manufactures (98 per cent)	10,838,000	40,934,000
Pigments, paints, and varnishes	3,821,000	29,119,000
Soaps, toilet preparations (85 per cent)	6,941,000	16,059,000
Photographic goods	7,959,000	31,565,000
Scientific and professional instruments	4,074,000	12,415,000
Musical instruments	4,303,000	18,932,000
Total	172,577,000	1,725,111,000
Duty free—petroleum, crude	79,943,000	37,800,000
Duty free—petroleum, refined	61,023,000	493,373,000
Total	140,966,000	531,173,000

¹ A few items in this classification were exempt; and 99 per cent of the total value of all steel-mill products, 98 per cent of wood, and 85 per cent of soaps paid a duty.

From this hurried presentation of fact, it clearly appears that the Department of Justice, in the interests of the consuming public and the independent producers and refiners, should immediately investigate the administration of the curtailment of production by proration in the three big producing States of Texas, California, and Oklahoma; that Congress should protect our home producers and refiners from the importations of cheap products from abroad by an adequate tariff of at least \$1 per barrel and a 50 per cent

ad valorem on the refined products which would yield at least \$110,000,000 annually, much-needed revenues to our Treasury. And until this protection can be afforded, the authorities in the several States should discontinue the policy of curtailment and give our home producers at least an even break in our home markets. [Applause.]

Mr. ADKINS. Mr. Chairman, I move to strike out the last three words.

Mr. Chairman, this question of short selling has been discussed, I think, at every session of our legislature for many years in Illinois. We have the largest grain-marketing institution in the world in the State of Illinois. There has been case after case passed on by the Supreme Court of the State of Illinois with respect to this very subject.

There is a case that has just been adjudicated, which had been pending for some time, of a farmer who, I think, lived in La Salle County, who had been trading in futures with a certain firm. I do not recall the name now, but I know them very well. He had been trading on the Chicago Board of Trade and kept giving his notes.

He got on the wrong side of the market and finally had to give a mortgage on his farm, and when they started foreclosure proceedings he did what we call over in our country Welshing on the trade and came forward and refused to pay the note on the theory that no grain was to be delivered. They have gone to the Supreme Court with the case and it has been held that it was a gambling transaction and that he did not have to pay the note.

Time after time this question has been thrashed out in the courts of the State, and it has been held that where it is mutually understood by the buyer and the seller that no grain is to be delivered it is a gambling transaction and one can not recover. There has not been a case where they have established the fact in the courts that it was mutually understood between the buyer and seller that no grain was to be delivered and that it was purely a bet on the up and down of the market where the broker has ever been able to recover.

Mr. GARBER of Oklahoma. Will the gentleman yield?

Mr. ADKINS. Yes.

Mr. GARBER of Oklahoma. And yet the gentleman knows that such transactions, amounting in volume to billions of dollars of farm products, are taking place daily on the boards of trade.

Mr. ADKINS. Yes; and we have laws and courts to cure that very thing. The fly in the ointment is that you have to get before the court the fact that it was mutually understood between the buyer and the seller that no grain was contemplated to be delivered. In all such cases the courts have held against them every time. This whole question has been discussed in our Legislature of Illinois a good many time.

So far as our markets are concerned, if you will get a statement from our division of statistical and historical research, you will find that our corn and wheat are very much higher in our markets to-day than they are in Argentina, Winnipeg, or any other place in the world. Our marketing system is the best anywhere in the world. Of course, when we bought 70,000,000 bushels of wheat to stop the market, that did not stop the market from going down, on account of the economic situation, until it reached the bottom.

However, the point I am making is that you can talk all you like, but if I contract to sell you my crop and you buy it to be delivered at a future time, it is pretty hard matter to draw the line between short selling and selling the real stuff. You may want to sell your contract to some other man and he may want to sell it to some other party and there might be 50 men who will have the contract while I have the original wheat, or I may buy it back myself, and when you go to draft a law to distinctly draw that line, so you can stop a man from selling or buying a contract that there is no grain behind, you have got a pretty difficult question to handle without interfering with my selling to you the real stuff which I have produced to be delivered at a certain time. But so far as selling it when you have not

got it to deliver and have no intention of delivering it, the courts have repeatedly held against such procedure.

THE CHAIRMAN. The time of the gentleman from Illinois has expired.

MR. HOWARD. Mr. Chairman, I rise in opposition to the pro forma amendment.

Mr. Chairman, on the subject of short selling, I think the whole membership of this House and the membership of preceding Houses deserve more or less censure because of their inability to grapple with a big subject, and it is big. This gambling house of ours—and it is ours—this Chicago Board of Trade, is ours. It belongs to the country. It is the mightiest gambling house the world has known, beside which Monte Carlo pales into nothing; and it is more damnable in its effects upon the American people. It has carried more men down, and women too, to suicide graves than any other one governmental institution.

Now, we have been unable to grapple with it. Do we have less ability to grapple with a big subject than the legislatures of the various States? I can recall, Mr. Chairman, when every business men's organization took the position that an open gambling house, a licensed gambling house like this of ours—it is ours, we have the profits out of it—they took the position that a licensed gambling house was a good thing, was absolutely necessary to promote trade, but at length the legislatures of the States enacted legislation to destroy all licensed gambling houses.

I recall how it was in my own community. We had men engaged in long and short selling in local bucket shops. One of them particularly, a Hebrew brother by the name of Israel Gluck, made a confession to me about his experience on the board of trade. He had been buying grain, and had made a vast amount of money, but some one told him to get over on the selling side. He immediately accepted that advice, nor did he confine his selling operations exclusively to grain, but began dabbling in other commodities. Then he began to lose money rapidly.

He told me how it was—that every morning his wife would come to him and say, "Mr. Gluck, something is the matter. Last night you talked in your sleep about grain and wheat and oats." He said the third morning she came to him—and by that time he had been selling short on that unholy stuff known as lard and pork. He was desperately worried. His wife came to him the third morning and, in her orthodox desperation, took him by the lapel of the coat, looked him in the eye, and said: "Oh, so many nights you have been talking in your sleep about corn and wheat, and last night, Mr. Gluck, in your sleep you talked about pork. Now, what have you got to do with pork?" [Laughter.]

The Clerk completed the reading of the bill.

MR. DICKINSON. Mr. Chairman, I move that the committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. TREADWAY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration the bill H. R. 15256, the agricultural appropriation bill, had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

MR. DICKINSON. Mr. Speaker, I move the previous question on the bill and all amendments thereto.

The motion was agreed to.

THE SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them in gross.

The amendments were agreed to.

At the request of Mr. DICKINSON, and by unanimous consent, the Clerk was authorized to correct the totals in the bill.

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

On motion of Mr. DICKINSON, a motion to reconsider the vote whereby the bill was passed was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills and joint resolution of the House of the following titles:

On December 15, 1930:

H. R. 1759. An act for the relief of Laura A. DePodesta.

On December 16, 1930:

H. R. 10341. An act to amend section 335 of the Criminal Code; and

H. R. 10198. An act to repeal obsolete statutes, and to improve the United States Code.

On December 17, 1930:

H. J. Res. 440. Joint resolution authorizing the payment of salaries of the officers and employees of Congress for December, 1930, on the 20th day of that month; and

H. R. 1825. An act for the relief of David McD. Shearer.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment a joint resolution of the House of the following title:

H. J. Res. 444. Joint resolution making an appropriation to supply a deficiency in the appropriation for the fiscal year 1931 for expenses of special and select committees of the House of Representatives.

STATUTES AFFECTING AMERICAN INDIANS

MR. LEAVITT. Mr. Speaker, I ask unanimous consent to address the House for a few moments.

THE SPEAKER. Is there objection?

There was no objection.

MR. LEAVITT. Mr. Speaker, I have just now introduced a bill entitled "A bill authorizing the President, through the Secretary of the Interior, to study, report, and recommend on a revision and codification of the statutes affecting the American Indians." I desire to inform the House regarding the purpose of this proposal.

There is a real opportunity at the present time for constructive legislation by Congress, based on a new appraisal of the problem of the Indian. Experience has shown that the question of handling the affairs of the Indian must in some way or other bring about his training and development so that he can absorb within a reasonable period of years the full responsibilities of a contributing citizenship. One of the most intricate and difficult problems facing the department and Congress in this connection is the relationship of legislation to the welfare of the American Indian. To try to care for any individual problem or inequity at the present time, it is necessary often to find the way through a maze of statutes. Legislation has taken the form of special laws for specific Indian groups, or has turned to the solution of individual Indian questions rather than to general statutes and general appropriations for efficient administration under proper legal safeguards. The result is a patchwork of laws passed at different times and under different conditions with large gaps, and a number of Indian treaties further complicate the situation. This has led to a policy that has been vacillating at times and has resulted in uncertainties in administration, misunderstandings and inequities as between tribes of Indians, and, in all, to a degree of dissatisfaction which is likely to increase rather than decrease if the present methods are continued.

All of this has made the administration of Indian affairs one of the most confusing jobs in the Federal Government. The responsibility does not rest on any particular Congress or upon any administrative period in the handling of Indian affairs. It is a responsibility that must be spread over a long period of years and in which practically all of those who have dealt with the affairs of the Indian are involved. It is evident that the Federal Government has, in fact, drifted into a piecemeal solution of the Indian problem, and it is

important that a practical study be made of many phases of the relationship of the Federal Government to the Indian. Having accepted plenary power over the Indian, Congress has necessarily been the most active agent in trying to work out adequate methods for the protection of his property and his development as a citizen.

Very large holdings of land, large sums of money, as well as the welfare of a quarter of a million people are concerned. In themselves the property rights of the Indian, tribal and individual, constitute a broad and complex feature of our Indian problem from both an administrative and legal point of view. Experience has demonstrated the deficiency in or inadequacy of our present allotment laws to fulfill the best needs of the Indian in many cases. This, coupled with the varied and multiple statutes relating to different tribes, emphasizes the wisdom of a uniform and consistent body of laws with respect to such matters. Undistributed tribal assets, frequently incapable of division on an equitable basis, as lands unsuitable for allotment purposes, those containing heavy stands of valuable timber, underlying mineral deposits, and so forth, need careful analysis and determination of the best plan to be followed to do full justice to the membership of the tribe whose rights are involved.

Should a tribal corporation be established to take title to the property of deceased allottees and issue to the heirs stock of the corporation itself to provide a future land tenure for the Indians of the next generation? Tribal claims, equitable or otherwise, by the Indians against the Government, based usually on transactions long since matters of history, need special attention. The question of taxation, a comparatively recent development, has become important and complicated under our present educational and allotment systems and the widespread leasing of Indian lands to the whites. Jurisdictional questions between Federal and State Governments of the enforcement of law and order on Indian reservations are badly confused. The Federal Code in 1910 gave Federal courts jurisdiction over eight major crimes committed on Indian reservations. Other crimes are in an uncertain border class where many States decline jurisdiction and the Federal courts have none.

I have no idea of criticism of the Indian Service or of Congress, but those having responsibility are becoming increasingly conscious of the need of having some of the best experts available brought together to make a study and to open new ways toward getting out of the present tangle. It will require full-time service from a number of individuals—experts in law, business, education, engineering, reclamation, health, and social service. A wide knowledge of the tax laws of the different States in which Indians are located will also be needed. Such a group, with adequate financial support, could, in the course of one or two years, map out a broad, constructive revision of Indian laws. Either the group should be composed of distinguished individuals or volunteer or part-time service, with the power to employ experts, or a group of experts should be selected from the beginning. A representative Indian citizen should be included. About \$250,000 and a year or two years' time would be required to prepare a report which would be of real value to Congress and to the Office of Indian Affairs.

A bill authorizing the President, through the Secretary of the Interior, to study, report, and recommend on a revision and codification of the statutes affecting the American Indians

Be it enacted, etc. That there is hereby authorized to be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, to be immediately available, to cover any expenses which may be incurred by the President, through the Secretary of the Interior, in making a study and report on the policy of the Federal Government in relation to the American Indians as found in the applicable statutes of the United States, their treaty, property, and citizenship rights, their health, education, and social welfare, the relations of the States to the so-called Indian problem, and any other phase of the national policy affecting the aim and end of Federal guardianship over the affairs of the Indian as embodied in existing laws and treaties, and to make recommendations on all such matters. Such expenditures may include compensation and expenses of persons named for the purposes, at least one of whom shall be an Indian citizen of the United States; the employment of experts, stenographic, and other services by contract if deemed necessary, transportation, travel, and subsistence, or per diem in lieu of subsistence, rent of office

in the District of Columbia and elsewhere, purchase of necessary books and documents, printing and binding, official cards; and/or such other expenses as the President and the Secretary of the Interior may deem necessary, without regard to the provisions of any other act.

CHICAGO WORLD'S FAIR CENTENNIAL CELEBRATION (H. DOC. 698)

The SPEAKER laid before the House the following message from the President of the United States, which was read and, with the accompanying papers, referred to the Committee on the Library and ordered printed:

To the Congress of the United States:

I transmit herewith a report of the committee which I was authorized to appoint (Pub. Res. No. 92, 71st Cong., 2d sess.) for an investigation into the question of representation at and participation in the Chicago World's Fair Centennial Celebration, known as the Century of Progress Exposition, on the part of the Government of the United States and its various departments and activities.

The findings of this committee include recommendations that the Government be represented in the person of a commissioner under the direction of a commission composed of the Secretary of State, the Secretary of Agriculture, and the Secretary of Commerce; that in order to effect economies the organization of this commission and the authorization and appropriation of funds be expedited; and that a certain latitude be conferred upon the commission and the commissioner in the expenditure of public funds, as well as in the employment of personnel.

I commend to the favorable consideration of the Congress the inclosed report of the committee to the end that legislation may be enacted to authorize an appropriation of \$1,725,000 for the expenses of representation at and participation in the Chicago World's Fair Centennial Celebration, known as the Century of Progress Exposition, on the part of the Government of the United States and its various departments and activities in accordance with the recommendations of the committee.

HERBERT HOOVER.

THE WHITE HOUSE,

Washington, December 19, 1930.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. WILLIAMS, of Texas, for an indefinite period, on account of important and urgent business.

To Mr. HALL of Mississippi, for an indefinite period, on account of important and urgent business.

ENROLLED JOINT RESOLUTION SIGNED

Mr. CAMPBELL of Pennsylvania, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled a joint resolution of the House of the following title, which was thereupon signed by the Speaker:

H. J. Res. 444. Joint resolution making appropriation to supply a deficiency in the appropriation for the fiscal year 1931 for expenses of special and select committees of the House of Representatives.

ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 4 o'clock and 45 minutes p. m.) the House adjourned until to-morrow, Saturday, December 20, 1930, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

737. A communication from the President of the United States, transmitting amendments to the estimates of appropriation for the United States Shipping Board Merchant Fleet Corporation, contained in the Budget for the fiscal year 1932 (H. Doc. No. 697); to the Committee on Appropriations and ordered to be printed.

738. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on

preliminary examination of Escanaba Harbor, Mich.; to the Committee on Rivers and Harbors.

739. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination of Limestone Creek, N. C.; to the Committee on Rivers and Harbors.

740. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination of Beaufort Harbor and Beaufort Inlet; to the Committee on Rivers and Harbors.

741. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination of Mill Creek at Pollockeville, N. C.; to the Committee on Rivers and Harbors.

742. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination of channel in Pamlico Sound, N. C., to Stumpy Point; to the Committee on Rivers and Harbors.

743. A letter from the Secretary of War, transmitting report from the Chief of Engineers, United States Army, on preliminary examination of Boothbay Harbor, Me.; to the Committee on Rivers and Harbors.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. WASON: Joint Committee on the Disposition of Useless Executive Papers. A report on the proceeds from the sale of useless papers in the Government departments. (Rept. No. 2124.) Ordered to be printed.

Mr. PERKINS: Committee on Coinage, Weights, and Measures. R. H. 14271. A bill to authorize the Secretary of the Treasury to prepare and manufacture a medal in commemoration of the one hundred and fiftieth anniversary of the surrender of Lord Cornwallis at Yorktown, Va., and of the establishment of the independence of the United States; with amendment (Rept. No. 2126). Referred to the Committee of the Whole House on the state of the Union.

CHANGE OF REFERENCE

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 14331) for the relief of E. Grant Stuart; Committee on Pensions discharged, and referred to the Committee on Claims.

A bill (H. R. 14723) for the relief of George W. Campbell; Committee on Pensions discharged, and referred to the Committee on Claims.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BACHMANN: A bill (H. R. 15488) to extend the time in which applications may be made for the benefits of the disabled emergency officers' retirement act of May 24, 1928; to the Committee on World War Veterans' Legislation.

By Mr. MANLOVE: A bill (H. R. 15489) to amend an act entitled "An act granting pensions to certain soldiers who served in the Indian wars from 1817 to 1898, and for other purposes," approved March 3, 1927; to the Committee on Pensions.

By Mr. CROSSER: A bill (H. R. 15490) to provide a place to deposit money or valuables of passengers on railroads or other corporations engaged as common carriers in the United States; to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Virginia: A bill (H. R. 15491) to provide for an examination and survey of the Potomac River from Washington to its mouth; to the Committee on Rivers and Harbors.

By Mr. PALMER: A bill (H. R. 15492) to authorize appropriation in aid of the expansion and operation of George R. Smith College, Sedalia, Mo., for the higher education of negroes; to the Committee on Education.

By Mr. RAGON: A bill (H. R. 15493) to authorize the Secretary of War to lease to the city of Little Rock portions of the Little Rock Air Depot, Arkansas; to the Committee on Military Affairs.

By Mr. ZIHLMAN: A bill (H. R. 15494) to authorize the Commissioners of the District of Columbia to settle small claims, and for other purposes; to the Committee on the District of Columbia.

By Mr. CABLE: A bill (H. R. 15495) to make at once available an additional loan value of adjusted-service certificates; to the Committee on Ways and Means.

By Mr. CRAMTON: A bill (H. R. 15496) to authorize the Commissioners of the District of Columbia to transfer to the trustees of Howard University title to certain property in the District of Columbia; to the Committee on the District of Columbia.

By Mr. JENKINS: A bill (H. R. 15497) to designate United States Highway No. 50 as the George Washington Highway, and for other purposes; to the Committee on Roads.

By Mr. LEAVITT: A bill (H. R. 15498) authorizing the President, through the Secretary of the Interior, to study, report, and recommend on a revision and codification of the statutes affecting the American Indians; to the Committee on Indian Affairs.

By Mr. LUDLOW: A bill (H. R. 15499) to authorize appropriations for construction of quarters for commissioned officers at Fort Benjamin Harrison; to the Committee on Military Affairs.

Also, a bill (H. R. 15500) to authorize appropriations for construction of quarters for noncommissioned officers at Fort Benjamin Harrison; to the Committee on Military Affairs.

By Mr. GARBER of Virginia: A bill (H. R. 15501) in support of extension agents for the relief of counties in the drought-stricken areas; to the Committee on Agriculture.

By Mr. CROSS: A bill (H. R. 15502) for the prevention and removal of obstructions and burdens upon interstate commerce in agricultural commodities by regulating transactions on commodity exchanges, putting a stop to short selling thereon, and for other purposes; to the Committee on Agriculture.

By Mr. DALLINGER: A bill (H. R. 15503) to regulate the wages of cleaners in first-class post offices; to the Committee on the Post Office and Post Roads.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDRESEN: A bill (H. R. 15504) granting an increase of pension to Maria Langhans; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15505) granting an increase of pension to Thomas G. Nesseth; to the Committee on Pensions.

By Mr. ANDREW: A bill (H. R. 15506) granting a pension to Alvie E. Keaton; to the Committee on Pensions.

By Mr. ARNOLD: A bill (H. R. 15507) granting an increase of pension to Lizzie A. Montgomery; to the Committee on Invalid Pensions.

By Mr. AUF DER HEIDE: A bill (H. R. 15508) granting an increase of pension to Sylvia A. Johnson; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 15509) granting a pension to Emma Robinson; to the Committee on Invalid Pensions.

By Mr. BAIRD: A bill (H. R. 15510) granting an increase of pension to Jennie Field; to the Committee on Invalid Pensions.

By Mr. BRAND OF OHIO: A bill (H. R. 15511) granting an increase of pension to Emma D. Cord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15512) granting an increase of pension to Sarah Eliza Cole; to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 15513) for the relief of Joseph Rines; to the Committee on Military Affairs.

By Mr. CANFIELD: A bill (H. R. 15514) granting an increase of pension to Zenobia Blanche Sniffen; to the Committee on Pensions.

By Mr. CARTER of California: A bill (H. R. 15515) granting an increase of pension to Amy E. Edwards; to the Committee on Invalid Pensions.

By Mr. CRAIL: A bill (H. R. 15516) granting a pension to John Parent; to the Committee on Pensions.

Also, a bill (H. R. 15517) granting a pension to Ellen J. Butler; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15518) granting an increase of pension to Marion Lee; to the Committee on Invalid Pensions.

By Mr. DEROUEN: A bill (H. R. 15519) for the relief of the heirs of Leontine Brisco; to the Committee on Claims.

By Mr. FITZGERALD: A bill (H. R. 15520) granting an increase of pension to Catharine H. Oxley; to the Committee on Invalid Pensions.

By Mr. GIBSON: A bill (H. R. 15521) granting an increase of pension to Clara G. Branch; to the Committee on Invalid Pensions.

By Mr. HOGG of Indiana: A bill (H. R. 15522) granting a pension to Neva Hutchins; to the Committee on Invalid Pensions.

By Mr. HOGG of West Virginia: A bill (H. R. 15523) granting an increase of pension to W. J. Murphy; to the Committee on Pensions.

Also, a bill (H. R. 15524) granting back pay to William J. Bell on account of pension allowance heretofore made; to the Committee on Invalid Pensions.

By Mr. HOPE: A bill (H. R. 15525) for the relief of Victor B. Tate; to the Committee on Claims.

Also, a bill (H. R. 15526) granting an increase of pension to Caroline Gorgas; to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 15527) granting an increase of pension to Maria Berghoff; to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 15528) granting a pension to Mary Meier; to the Committee on Invalid Pensions.

By Mr. HUDDLESTON: A bill (H. R. 15529) for the relief of Jack Page; to the Committee on Military Affairs.

By Mr. JENKINS: A bill (H. R. 15530) granting an increase of pension to Mary M. Hawkins; to the Committee on Invalid Pensions.

By Mr. KNUTSON: A bill (H. R. 15531) for the relief of Henry Fischer; to the Committee on War Claims.

By Mr. LONGWORTH: A bill (H. R. 15532) granting an increase of pension to Paul S. Megrue; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15533) granting a pension to Kate Harnass; to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 15534) for the relief of George Brackett Cargill, deceased; to the Committee on Naval Affairs.

By Mr. McREYNOLDS: A bill (H. R. 15535) for the relief of the estate of White B. Miller; to the Committee on Claims.

By Mr. MURPHY: A bill (H. R. 15536) granting an increase of pension to Sarah J. Weaver; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15537) granting an increase of pension to Mary E. Bigley; to the Committee on Invalid Pensions.

By Mrs. NORTON. A bill (H. R. 15538) granting an increase of pension to Annie E. Patten; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15539) granting an increase of pension to Emma L. Parker; to the Committee on Invalid Pensions.

By Mr. PALMER: A bill (H. R. 15540) granting a pension to Elizabeth Blackwell; to the Committee on Invalid Pensions.

By Mr. PURNELL: A bill (H. R. 15541) granting an increase of pension to Florence C. Jennings; to the Committee on Invalid Pensions.

By Mr. RICH: A bill (H. R. 15542) granting an increase of pension to Euphenia S. Coon; to the Committee on Invalid Pensions.

By Mr. SEARS: A bill (H. R. 15543) for the relief of William Thomas; to the Committee on Claims.

By Mr. SLOAN: A bill (H. R. 15544) granting a pension to Lucinda C. Abbott; to the Committee on Pensions.

By Mr. SNELL: A bill (H. R. 15545) granting an increase of pension to Sabina Tacey; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 15546) granting an increase of pension to Jennie Marshall; to the Committee on Invalid Pensions.

Also, a bill (H. R. 15547) to allow the distinguished-service cross for service in the World War to be awarded to Lieut. Col. Claude M. Stanley; to the Committee on Military Affairs.

By Mr. THOMPSON: A bill (H. R. 15548) granting an increase of pension to Celestia Finks; 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:

8319. By Mr. BARBOUR: Resolution of Orosi-Cutler Woman's Christian Temperance Union, Cutler, Calif., and resolution of Ladies' Aid Circle of the Methodist Church, of Tulare, Calif., urging enactment of a law for Federal supervision of motion pictures; to the Committee on Interstate and Foreign Commerce.

8320. Also, resolution adopted by Fresno (Calif.) Parlor, No. 25, Native Sons of the Golden West, urging restriction of immigration and the inclusion of Filipinos in such restriction; to the Committee on Immigration and Naturalization.

8321. By Mr. DARROW: Resolution of the Philadelphia Chamber of Commerce opposing any increase in rates of postage; to the Committee on the Post Office and Post Roads.

8322. By Mr. GLOVER: Petition of Malvern Post, No. 11, of the American Legion of Arkansas, urging the passage and enactment into law at this session of Congress of some bill or measure providing for the payment to ex-service men of their adjusted compensation; to the Committee on Ways and Means.

8323. By Mr. STRONG of Pennsylvania: Petition of citizens of Armstrong County, Pa., favoring the immediate cash payment of adjusted-service certificates; to the Committee on Ways and Means.

8324. By Mr. YATES: Petition of Romulus Meehan Post, No. 426, La Salle, Ill., urging the immediate passage of the bill to pay in cash adjusted-service certificates; to the Committee on Ways and Means.

8325. Also, petition of Stroot Hardware Co., Quincy, Ill., urging the passage of the Capper-Kelly bill; to the Committee on Interstate and Foreign Commerce.

8326. Also, petition of Super Maid Cook-Worl Corporation, 2742 West Thirty-sixth Place, Chicago, Ill., protesting against the proposed increase of postal rates from 2 to 2½ cents per ounce; to the Committee on the Post Office and Post Roads.

8327. Also, petition of Morris Wisner Lee, 220 South Michigan Avenue, Chicago, Ill., protesting the passage of any legislation that will increase first-class postage rate to 2½ cents per ounce; to the Committee on the Post Office and Post Roads.